

EXHIBIT 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
Dallas Division

M3Girl Designs, LLC

Plaintiff,

v.

Purple Mountain Sweaters and
Carol-Ann Bishop,
Defendants.

§
§
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§
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§
§
§

CIVIL ACTION NO. 3:09CV2334-G

**DECLARATION OF D. SCOTT HEMINGWAY IN SUPPORT OF
RESPONSE IN OPPOSITION TO MOTION TO
DISMISS AND/OR TRANSFER**

I, hereby declare, as follows:

1. The documents attached to this Exhibit 1 are true and accurate copies of webpages printed out from the Defendants' website, www.purplemountainbaby.com.

2. The website located at www.purplemountainbaby.com is an interactive website that allows customers to: (1) view images (including accused infringing works and slogans involved in this matter), (2) communicate to the Defendants at the Contact Us webpage feature or the phone number or email address listed on the webpage, (3) order product using the "Shopping Cart" feature, (4) select the manner of shipping, and (5) pay for product that is purchased using the website. *Exhibits A, B, and C attached hereto.*

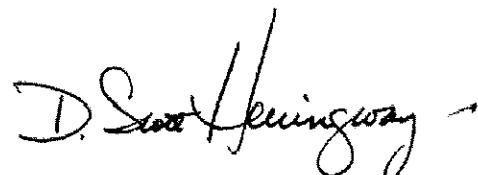
3. Exhibit A hereto is a webpage print-out from the Defendants' website that shows the Defendants' use of the infringing slogan, "Snappy Bottle Cap Necklaces!" on their website (www.purplemountainbaby.com). This website print-out was accessed and printed out by the firm of Hemingway & Hansen in Dallas, Texas on or around that October 6, 2009 date. A true and correct copy of this webpage was attached to the

correspondence to the Defendants. A complete copy of the correspondence sent to the Defendants is attached as Exhibit 5 to the Response in Opposition Brief. The Defendants omitted the attachments to this correspondence when they attached this correspondence to their Motion to Dismiss and/or Transfer.

4. Exhibit B hereto is a collection of webpage print-outs from the Defendants' website (www.purplemountainbaby.com) that shows the Defendants' product offerings, including many of the accused works in this case. This website print-out was accessed and printed out by the firm of Hemingway & Hansen in Dallas, Texas on or around that October 16, 2009 date. A true and correct copy of these webpages were attached to the October 16, 2009 correspondence to the Defendants. A complete copy of the correspondence sent to the Defendants is attached as Exhibit 6 to the Response in Opposition Brief. The Defendants omitted the attachments to this correspondence when they attached this correspondence to their Motion to Dismiss and/or Transfer.

5. Exhibit B hereto is a collection of webpage print-outs from the Defendants' website (www.purplemountainbaby.com) that shows the Defendants' product offerings, including many of the accused works in this case. This website print-out was accessed and printed out by the firm of Hemingway & Hansen in Dallas, Texas on January 28, 2010.

I hereby declare that the above statements are true and correct to the best of my knowledge and belief, under penalty of perjury.

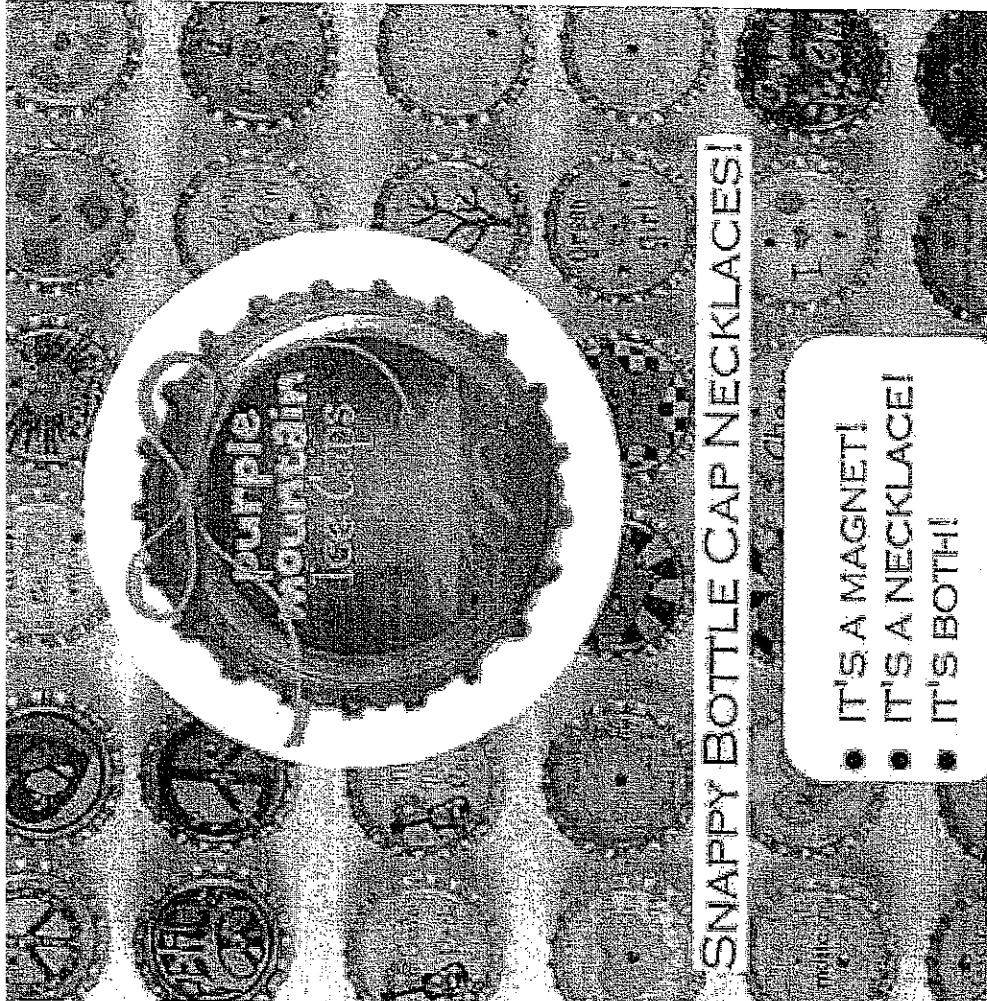
A handwritten signature in black ink, appearing to read "D. Scott Hemingway".

Jan. 28, 2010

Date

D. Scott Hemingway

EXHIBIT 1A



SNAPPY BOTTLE CAP NECKLACES!

- IT'S A MAGNET!
- IT'S A NECKLACE!
- IT'S BOTH!

It's a magnet! It's a necklace! It's both! Collect bottle cap necklaces and express yourself in a unique way each day.

Check out all of the chokers and cords to go with our bottle cap magnets

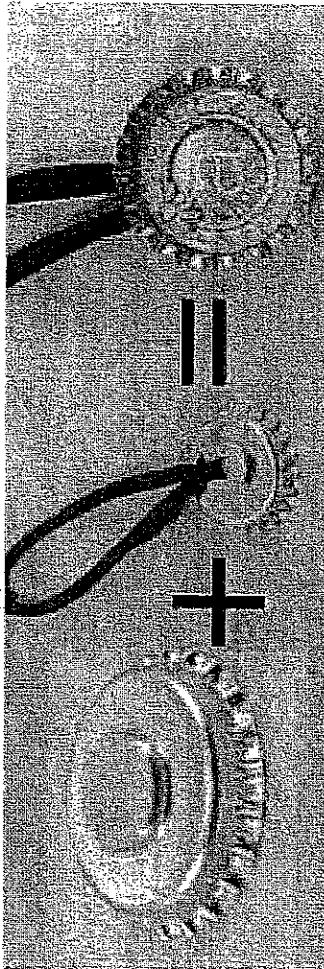
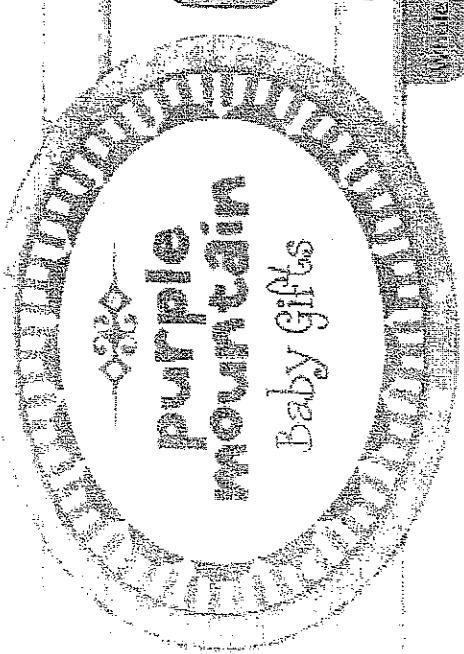


EXHIBIT 1B

Questions? Call Us Toll Free 1-800-277-5228 10am - 8pm • Email 24/7



SEARCH CATALOG

Go

Catalog > Bottle Cap Magnets

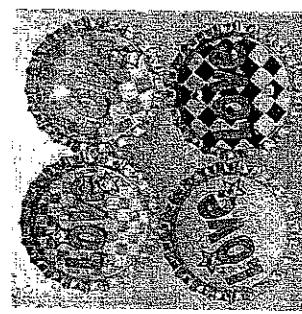
Purple Mountain Bottle Cap Magnets

Bottle Cap Magnets are made to order due to the large design selection offered. Please allow 5-7 days production time for processing. If your order is urgent send us a note to see if we can rush your order. In many cases we can accommodate these special requests.

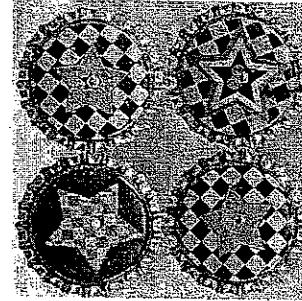
*Not intended for babies or young children. Small objects are risk for children under 8 years old. Bottle cap magnets are a fun and useful gift for teens-adult.

1 | 2 | 3 | 4 | 5 | 6 > >

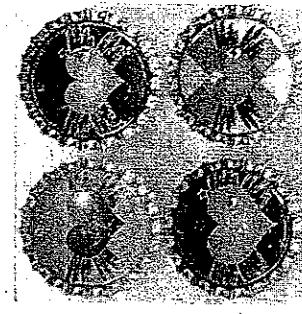
Page 1 of 6



Star Me Bottle Cap Magnet Collection
\$6.50



Star Me Bottle Cap Magnet Collection
\$6.50



Star Me Bottle Cap Magnet Collection
\$6.50

PRODUCTS

Baby Layette Gift Sets

Soft Sole Leather Baby Shoes

Cotton Baby Knits

Handknit Sweater Sets

Baby Boy Gifts

Baby Girl Gifts

It's a Surprise Gifts

Bottle Cap Magnets

Cords & Chokers

New Items

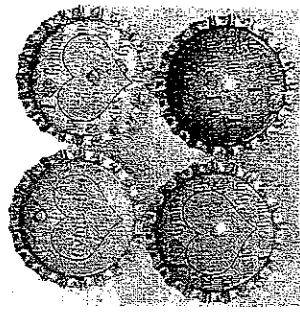
Featured Items

Sale Items

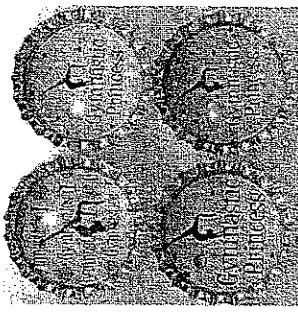
All Items

INFORMATION

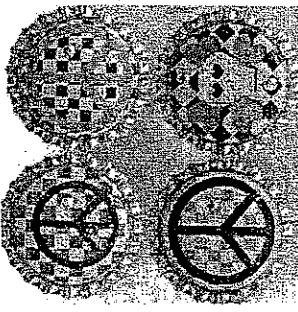
Precious Memories Size Guide
Gift Registry
Web Site Links
Affiliate Sign In / Sign Up



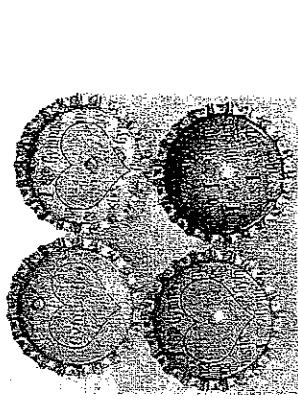
All Gymnastics Themed Bottle Cap Magnets 2
\$6.50



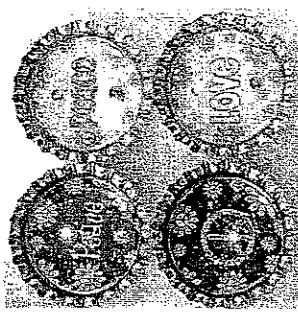
All Gymnastics Themed Bottle Cap Magnets
\$6.50



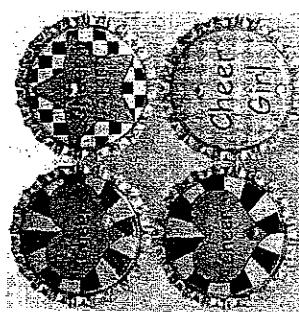
Star Me Bottle Cap Magnet Collection
4
\$6.50



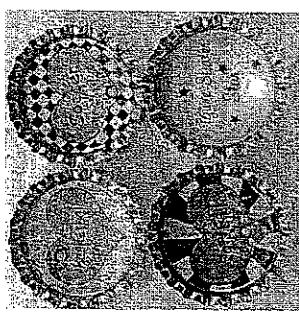
All Gymnastics Themed Bottle Cap Magnets 2
\$6.50



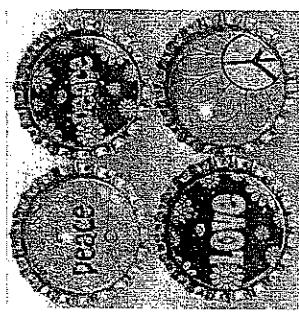
All Gymnastics Themed Bottle Cap Magnets 2
\$6.50



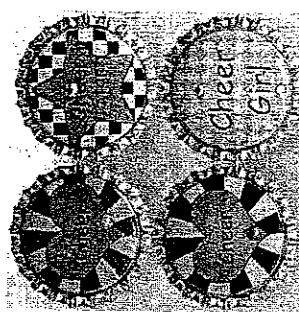
Peace Pop Bottle Cap Magnet Collection 2
\$6.50



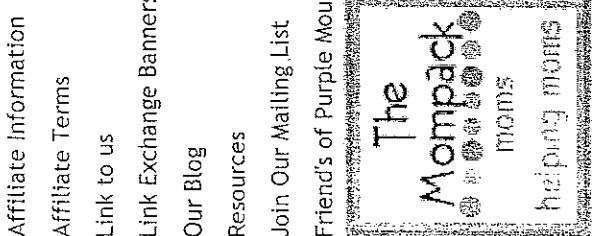
Peace Pop Bottle Cap Magnet Collection
\$6.50



Peace Pop Bottle Cap Magnet Collection 3
\$6.50



Sport Themed Bottle Cap Magnets 2
\$6.50



Affiliate Information

Affiliate Terms

Link to us

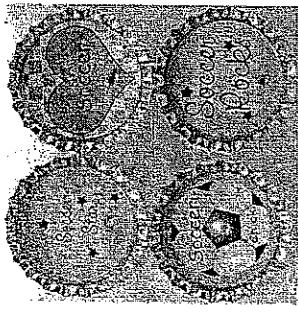
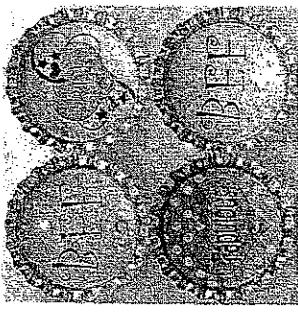
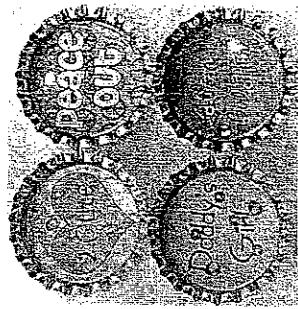
Link Exchange Banners

Our Blog

Resources

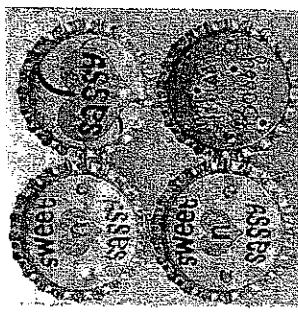
Join Our Mailing List

Friends of Purple Mountain

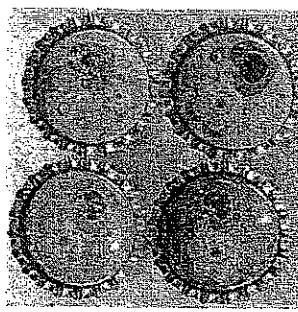


Sport Themed Bottle Cap Magnets 3
\$6.50

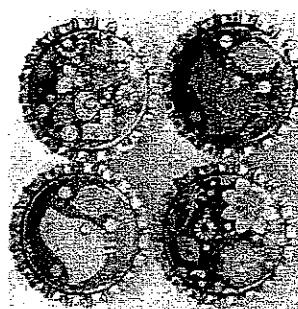
Tween Sayings Bottle Cap Magnet
Collection 3
\$6.50



Tween Sayings Bottle Cap Magnet
Collection 3
\$6.50



Funky Fun Bottle Cap Magnet
Collection 3
\$6.50



Tween Sayings Bottle Cap Magnet
Collection 2
\$6.50

1 | 2 | 3 | 4 | 5 | 6. >>

Page 1 of 6

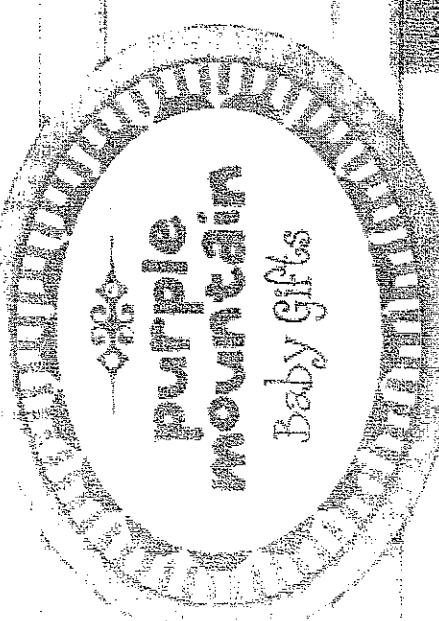
Purple Mountain Sweaters, Precious Memories Pima Cotton, and Shoo la roo Leather Soft Sole Baby Shoes are our specialty. Offering wholesale baby clothes, wholesale baby sweaters and baby shoes and retail baby and children's sweaters and clothing for over 15 years - we love to dress babies from head to toe.

Boutique Stores nationwide have been offering high quality, handmade Purple Mountain products to their customers for years. Now you can shop for Purple Mountain Baby Sweaters, luxury baby clothes, leather baby shoes, baby bouquets of baby clothes, and other unique baby gifts in the comfort of your own home.

Thanks from all of us at Purple Mountain.

©2004 - 2009 handmade baby sweaters from Purple Mountain Baby. All rights reserved.
Design by ASD

Questions? Call Us Toll Free 1-800-277-5228 10am - 8pm • Email 24/7



SEARCH CATALOG

Go

Purple Mountain Baby Gifts

Catalog > Bottle Cap Magnets

PRODUCTS

Baby Layette Gift Sets

Soft Sole Leather Baby Shoes

Cotton Baby Knits

Handknit Sweater Sets

Baby Boy Gifts

Baby Girl Gifts

It's a Surprise Gifts

Bottle Cap Magnets

Cords & Chokers

New Items

Featured Items

Sale Items

All Items

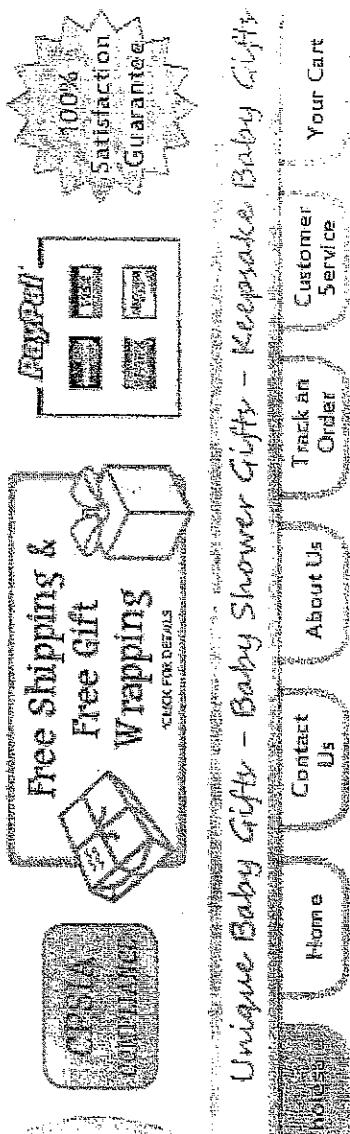
INFORMATION

Precious Memories Size Guide

Gift Registry

Web Site Links

Affiliate Sign In / Sign Up



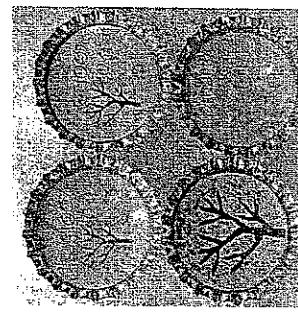
Purple Mountain Bottle Cap Magnets

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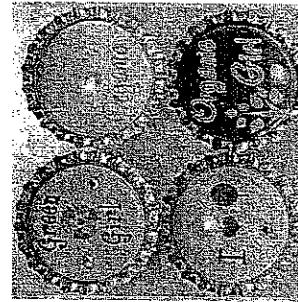
*Not intended for babies or young children. Small objects are risk for children under 8 years old. Bottle cap magnets are a fun and useful gift for teens-adult.

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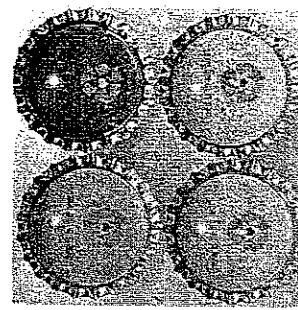
Page 2 of 6



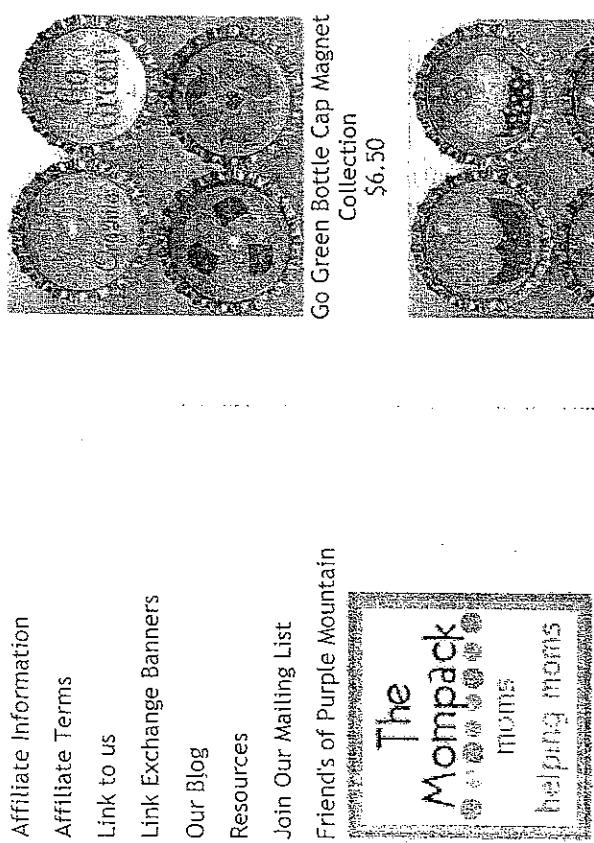
Organic Girl Bottle Cap Magnet
Collection 1
\$6.50



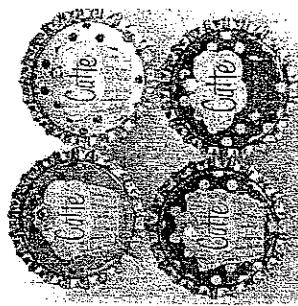
Organic Girl Bottle Cap Magnet
Collection 2
\$6.50



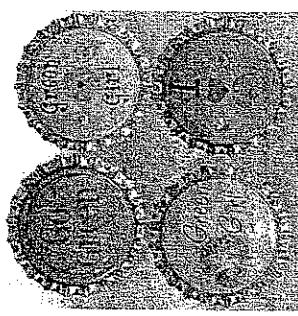
Organic Girl Bottle Cap Magnet
Collection 3
\$6.50



Affiliate Information
Affiliate Terms
Link to us
Link Exchange Banners
Our Blog
Resources
Join Our Mailing List
Friends of Purple Mountain



Cupcake Cutie Bottle Cap Magnets
\$6.50



Go Green Bottle Cap Magnet
Collection 2
\$6.50

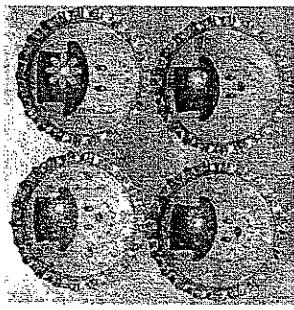
	<p>Cupcake Cutie Bottle Cap Magnets \$6.50</p>		<p>Funky Monkey Bottle Cap Magnets \$6.50</p>		<p>Peace Bottle Cap Magnets \$6.50</p>
	<p>Cupcake Cutie Bottle Cap Magnets 3 \$6.50</p>		<p>Funky Monkey Bottle Cap Magnets 3 \$6.50</p>		<p>Peace Bottle Cap Magnets 3 \$6.50</p>
	<p>Cupcake Cutie Bottle Cap Magnets 2 \$6.50</p>		<p>Funky Monkey Bottle Cap Magnets 2 \$6.50</p>		<p>Peace Bottle Cap Magnets 2 \$6.50</p>
	<p>Cupcake Cutie Bottle Cap Magnets \$6.50</p>		<p>Funky Monkey Bottle Cap Magnets \$6.50</p>		<p>Peace Bottle Cap Magnets \$6.50</p>
	<p>Cupcake Cutie Bottle Cap Magnets \$6.50</p>		<p>Funky Monkey Bottle Cap Magnets \$6.50</p>		<p>Peace Bottle Cap Magnets \$6.50</p>

Holiday Santas Bottle Cap Magnets 2

Peace Baby Bottle Cap Magnets 2

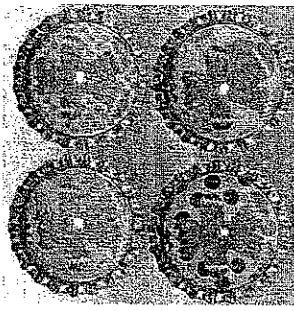
Holiday Santas Bottle Cap Magnets 2

\$6.50



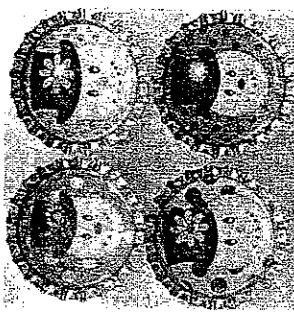
Holiday Snowman Bottle Cap Magnets
\$6.50

\$6.50



Holiday Gingerbread Man Bottle Cap Magnets
\$6.50

\$6.50



Holiday Snowman Bottle Cap Magnets
2
\$6.50

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Page 2 of 6

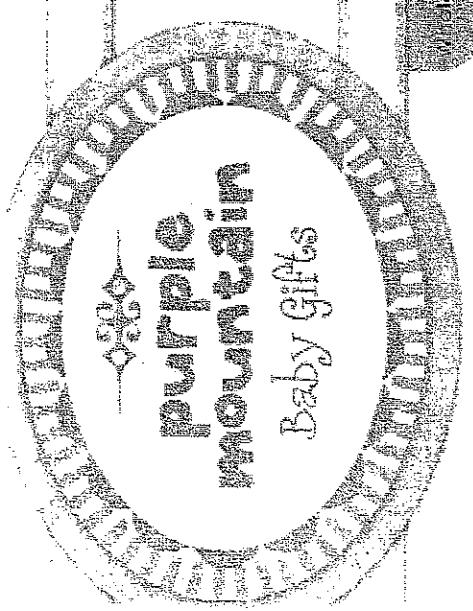
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Thanks from all of us at Purple Mountain.

©2004 - 2009 handmade baby sweaters from Purple Mountain Baby. All rights reserved.
Design by ASD

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SEARCH CATALOG

Go

[Catalog > Bottle Cap Magnets](#)

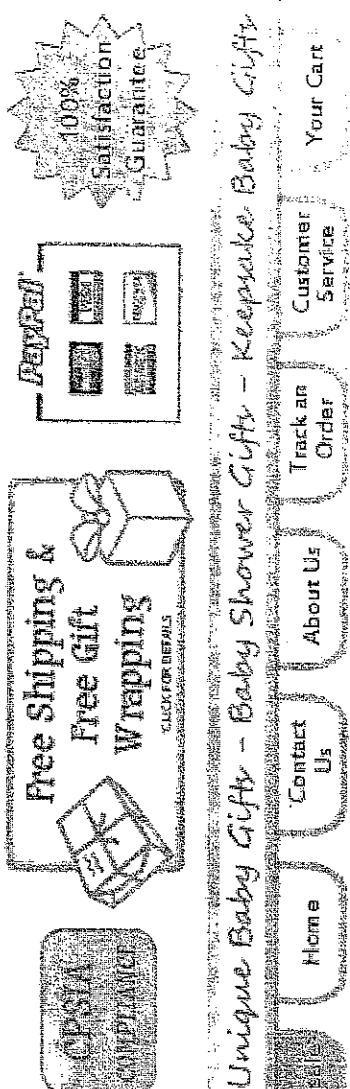
Purple Mountain Bottle Cap Magnets

PRODUCTS

- [Baby Layette Gift Sets](#)
- [Soft Sole Leather Baby Shoes](#)
- [Cotton Baby Knits](#)
- [Handknit Sweater Sets](#)
- [Baby Boy Gifts](#)
- [Baby Girl Gifts](#)
- [It's a Surprise Gifts](#)
- [Bottle Cap Magnets](#)
- [Cords & Chokers](#)
- [New Items](#)
- [Featured Items](#)
- [Sale Items](#)
- [All Items](#)

INFORMATION

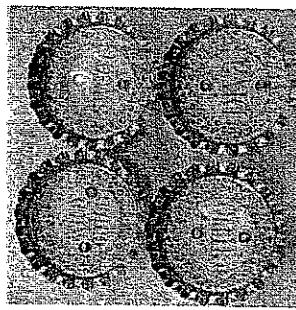
- [Precious Memories Size Guide](#)
- [Gift Registry](#)
- [Web Site Links](#)
- [Affiliate Sign In / Sign Up](#)



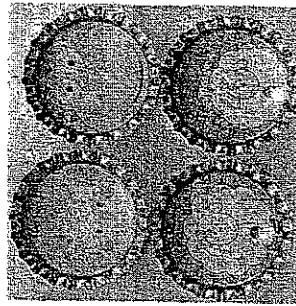
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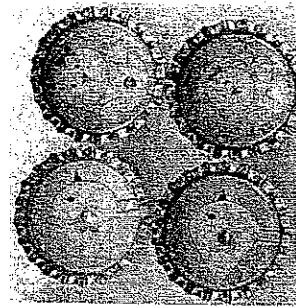
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Page 3 of 6



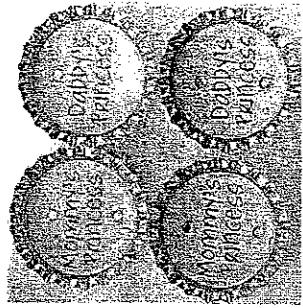
Cheetah Print Tween Saying Bottle Cap Magnets
\$6.50



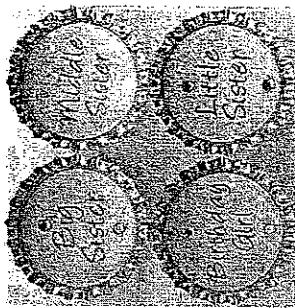
Animal Crackers Bottle Cap Magnets
\$6.50



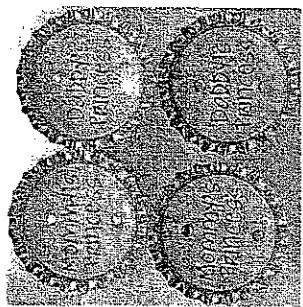
Animal Crackers Bottle Cap Magnets 2
\$6.50



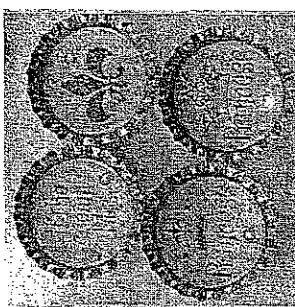
Princess on Pink Bottle Cap Magnets
\$6.50



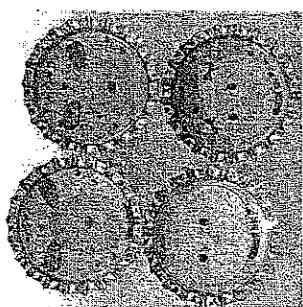
Princess on Pink Bottle Cap Magnets
\$6.50



Animal Crackers Bottle Cap Magnets 3
\$6.50



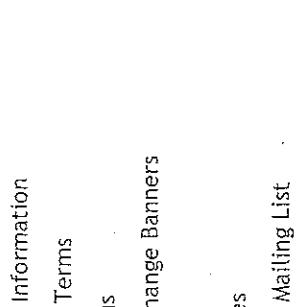
Princess on Pink Bottle Cap Magnets 3
\$6.50



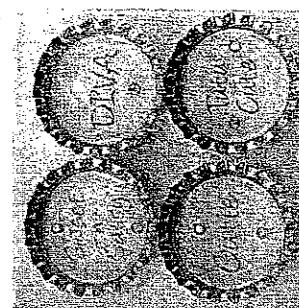
Animal Crackers Bottle Cap Magnets 3
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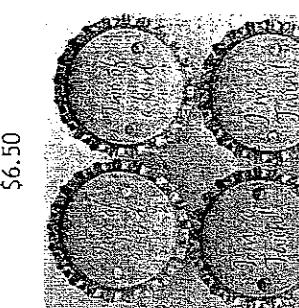
Princess on Pink Bottle Cap Magnets 2
\$6.50



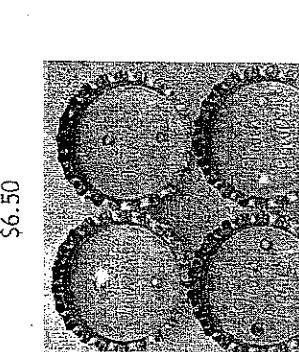
Friends of Purple Mountain
Join Our Mailing List



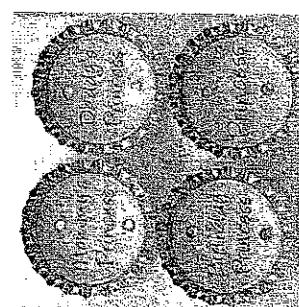
Polka Dot Sayings - Bottle Cap Magnets
\$6.50



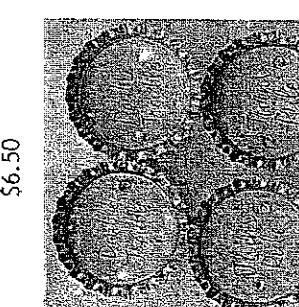
3



2



Polka Dot Sayings - Bottle Cap Magnets
\$6.50



2

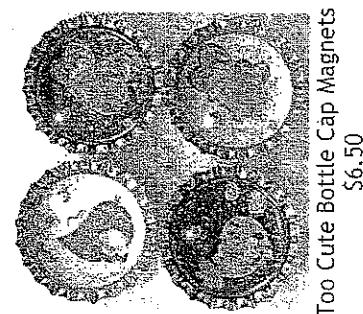


3

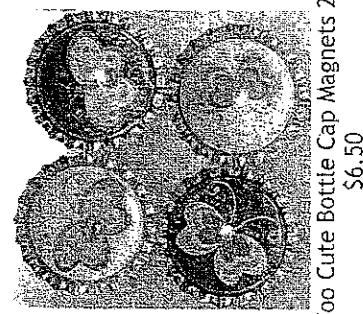
Twins Themed Bottle Cap Magnets

Twins Themed Bottle Cap Magnets 2

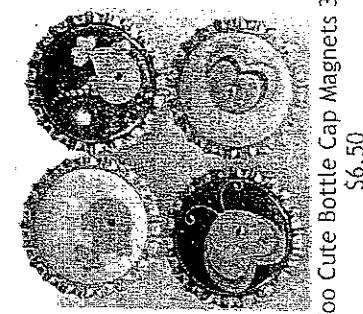
Twins Themed Bottle Cap Magnets 3



Too Cute Baby Sweater
\$6.50



Too Cute Baby Sweater
\$6.50



Too Cute Baby Sweater
\$6.50

<< < 1 | 2 | 3 | 4 | 5 | 6 > >>
Page 3 of 6

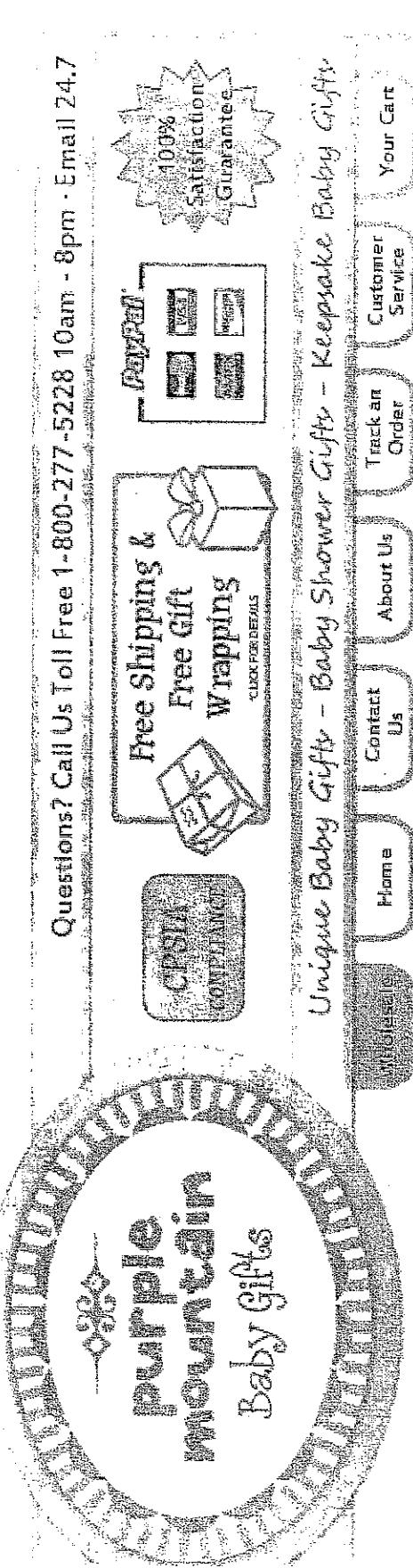
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Thanks from all of us at Purple Mountain.

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Questions? Call Us Toll Free 1-800-277-5228 10am - 8pm - Email 24/7



Purple Mountain Bottle Cap Magnets

Catalog > Bottle Cap Magnets

PRODUCTS

Baby Layette Gift Sets

Soft Sole Leather Baby Shoes

Cotton Baby Knits

Handknit Sweater Sets

Baby Boy Gifts

Baby Girl Gifts

It's a Surprise Gifts

Bottle Cap Magnets

Cords & Chokers

New Items

Featured Items

Sale Items

All Items

INFORMATION
Precious Memories Size Guide
Gift Registry
Web Site Links
Affiliate Sign In / Sign Up

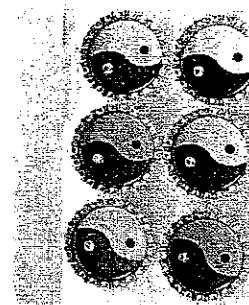
Purple Mountain Bottle Cap Magnets

Bottle Cap Magnets are made to order due to the large design selection offered. Please allow 5-7 days production time for processing. If your order is urgent send us a note to see if we can rush your order. In many cases we can accomodate these special requests.

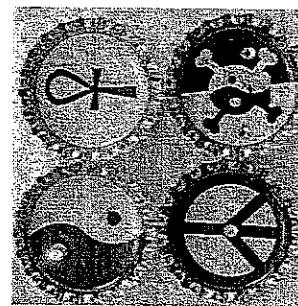
*Not intended for babies or young children. Small objects are risk for children under 8 years old. Bottle cap magnets are a fun and useful gift for teens-adult.

<< < 1 | 2 | 3 | 4 | 5 | 6 > >>

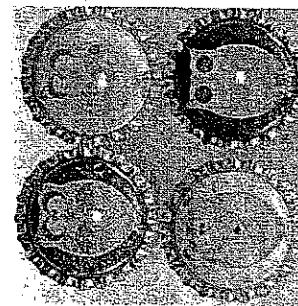
Page 4 of 6



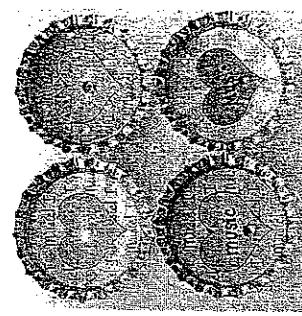
Yin Yang Bottle Cap Magnets
\$6.50



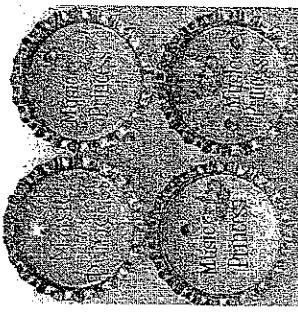
Black & White Bottle Cap Magnets
\$6.50



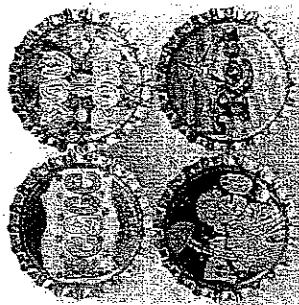
Too Cute Bottle Cap Magnets 4
\$6.50



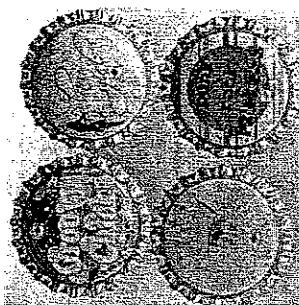
All Music Themed Bottle Cap Magnets
\$6.50 - \$16.48



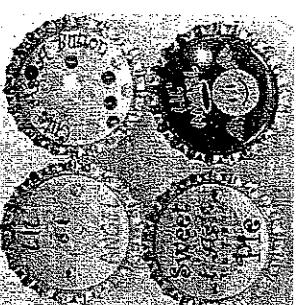
All Music Themed Bottle Cap Magnets
2
\$6.50



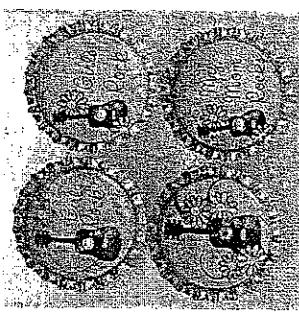
All Music Themed Bottle Cap Magnets
\$6.50



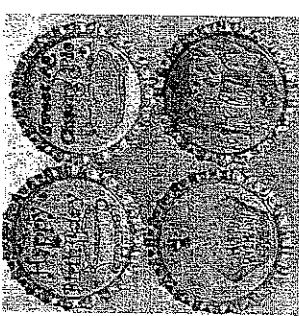
Punk Theme Bottle Cap Magnets 4
\$6.50



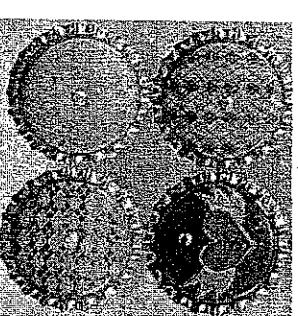
Punk Theme Bottle Cap Magnets 4
\$6.50



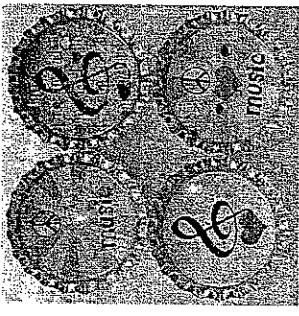
All Music Themed Bottle Cap Magnets
4
\$6.50



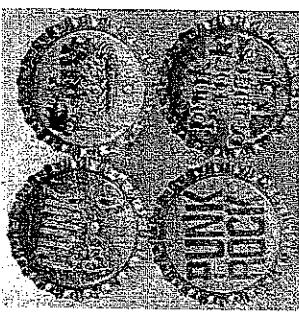
Punk Theme Bottle Cap Magnets 3
\$6.50



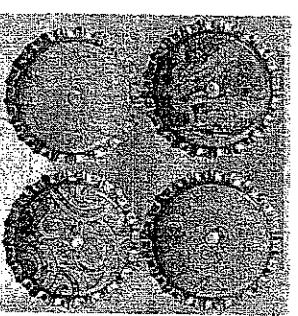
Punk Theme Bottle Cap Magnets 3
\$6.50



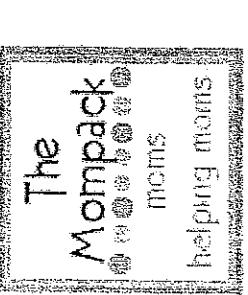
All Music Themed Bottle Cap Magnets 3
\$6.50



Punk Theme Bottle Cap Magnets 2
\$6.50



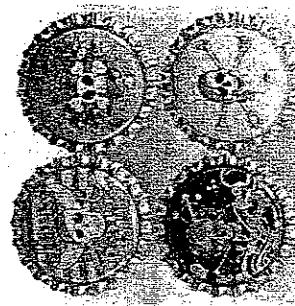
Punk Theme Bottle Cap Magnets 2
\$6.50



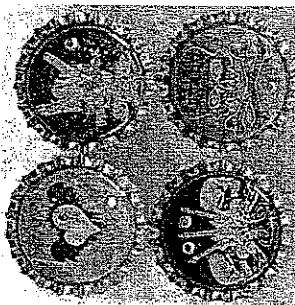
Punk Theme Bottle Cap Magnets 5
\$6.50

Punk Theme Bottle Cap Magnets 6
\$6.50

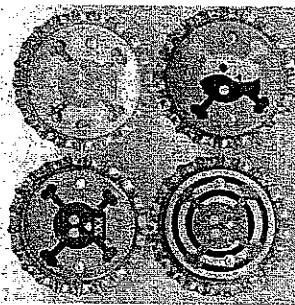
Punk Theme Bottle Cap Magnets 5
\$6.50



Punk Theme Bottle Cap Magnets 3
\$6.50



Skulls Theme Bottle Cap Magnets 2
\$6.50



Skulls Theme Bottle Cap Magnets
\$6.50

<< < 1 | 2 | 3 | 4 | 5 | 6 > >>

Page 4 of 6

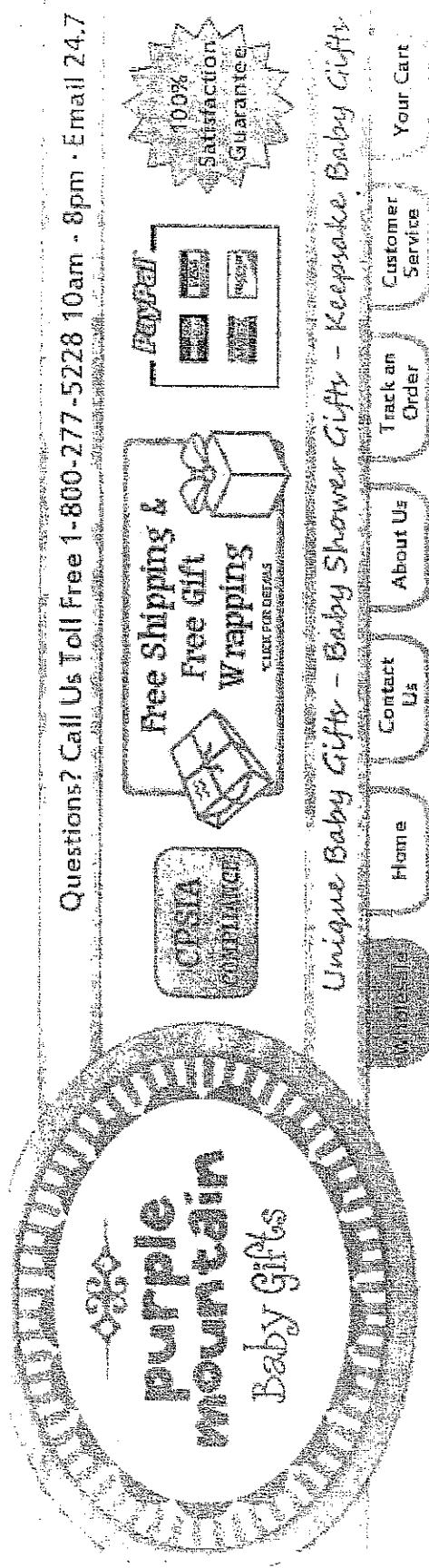
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SEARCH CATALOG Catalog > Bottle Cap Magnets

SEARCH CATALOG

Purple Mountain Bottle Cap Magnets

PRODUCTS

- Baby Layette Gift Sets
- Soft Sole Leather Baby Shoes
- Cotton Baby Knits
- Handknit Sweater Sets
- Baby Boy Gifts
- Baby Girl Gifts
- It's a Surprise Gifts

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- [Baby Girl Gifts](#)
- [It's a Surprise Gift!](#)
- [Bottle Cap Magnets](#)
- [Cords & Chokers](#)
- [New Items](#)
- [Featured Items](#)
- [Sale Items](#)

<< < 1 | 2 | 3 | 4 | 5 | 6 > > > .
Page 5 of 6

- [Cords & Chokers](#)
- [New Items](#)
- [Featured Items](#)
- [Sale Items](#)

This high-magnification electron micrograph captures a cell's interior. A prominent, roughly circular structure, possibly a nucleus or a large organelle, is visible in the upper portion of the frame. It features a distinct, dark, irregular boundary. Inside, a dense, granular texture is discernible. Below this structure, the surrounding cytoplasm is filled with a variety of smaller, more granular and vesicular organelles. The overall image is grainy, characteristic of early electron microscopy.

INFORMATION
Precious Memor
Gift Registry
Web Site Links

Pink Cheetah Initials - M-Z - Bottle Cap Magnets \$6.50

Swiss Dot Pink Letter Initials M-Z
Bottle Cap Magnets \$6.50

Affiliate Information

Affiliate Terms

Link to us

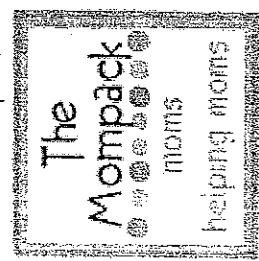
Link Exchange Banners

Our Blog

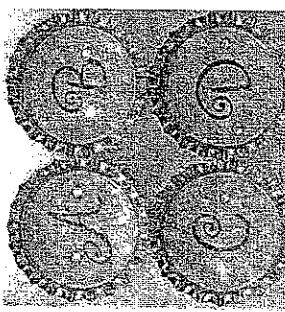
Resources

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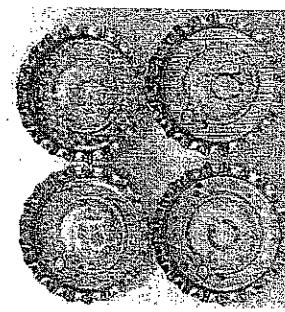
Friend's of Purple Mountain



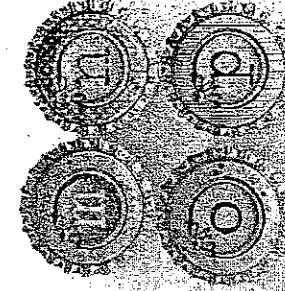
Swiss Dot Pink Letter Initials A-L
Bottle Cap Magnets
\$6.50



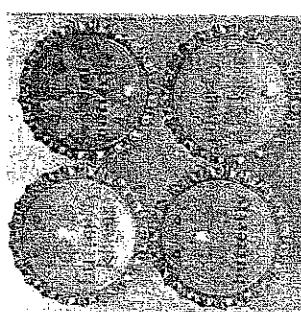
Typewriter Floral Letter A-L Bottle
Cap Magnets
\$6.50



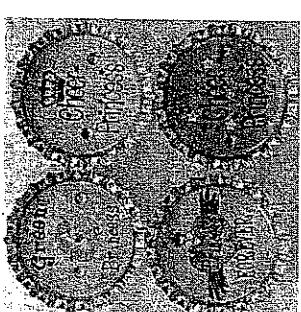
Typewriter Floral Letter M-Z Bottle
Cap Magnets
\$6.50



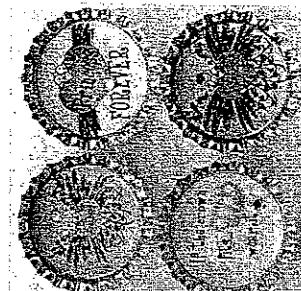
Butterfly Kisses Bottle Cap Magnets
\$6.50



Breast Cancer Awareness Magnets
\$6.50



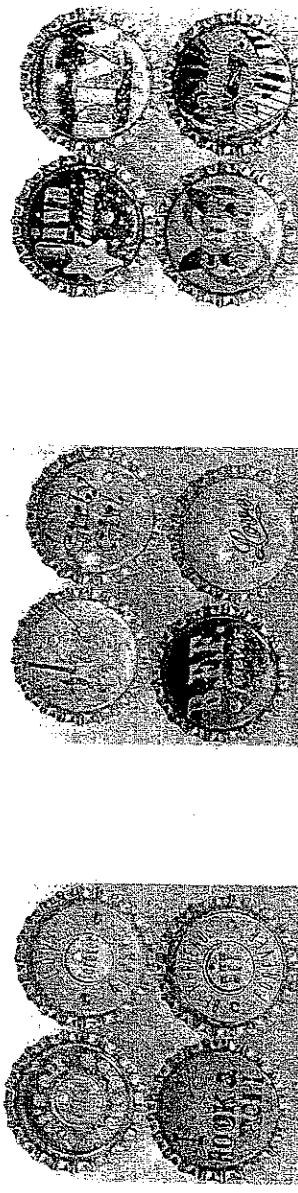
Typewriter Floral Letter M-Z Bottle
Cap Magnets 2 -
pearlized
\$6.50 - \$24.50



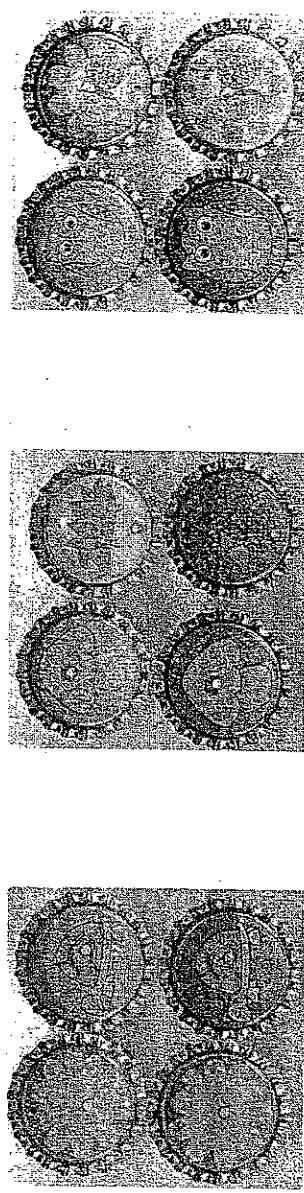
All Princess Themed Bottle Cap
Magnets 2
\$6.50

All Princess Themed Bottle Cap
Magnets 3
\$6.50

All Princess Themed Bottle Cap
Magnets 2
\$6.50



Rock on Bottle Cap Magnets 3
\$6.50



Rock on Bottle Cap Magnets 2
\$6.50

Hoot Owl & Friend Bottle Cap Magnet Collection 2
\$6.50

Hoot Owl & Friend Bottle Cap Magnet Collection 3
\$6.50

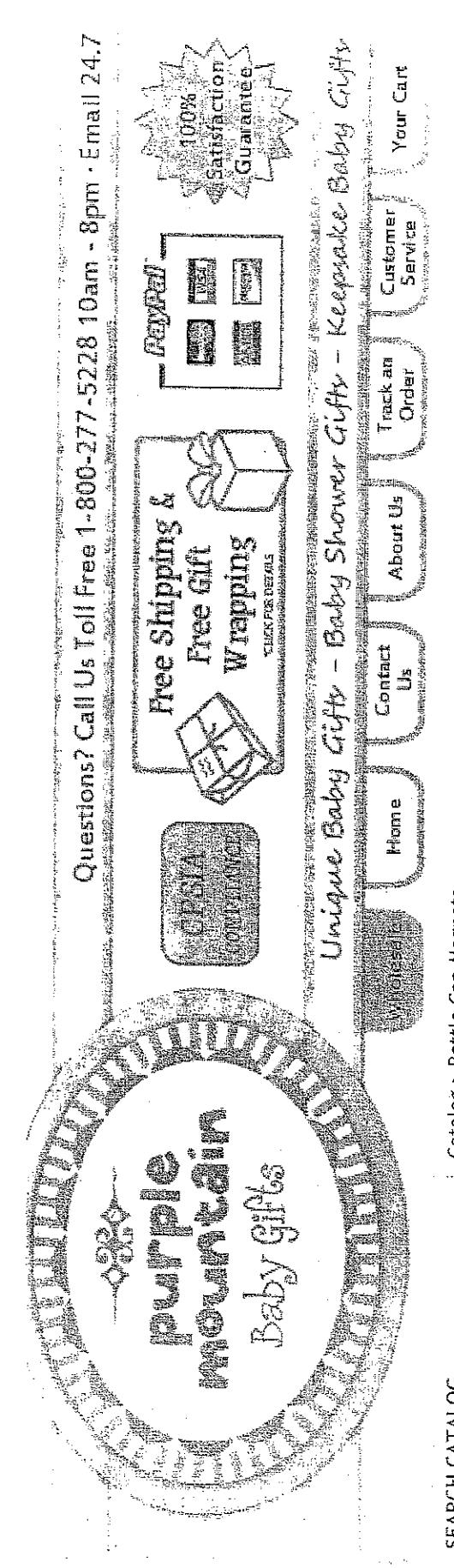
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Page 5 of 6

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Questions? Call Us Toll Free 1-800-277-5228 10am - 8pm • Email 24/7

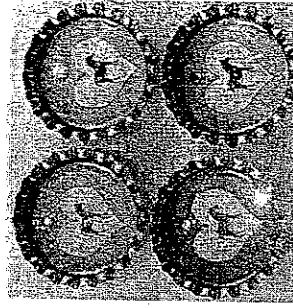


Purple Mountain Bottle Cap Magnets

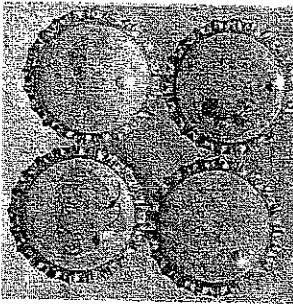
Bottle Cap Magnets are made to order due to the large design selection offered. Please allow 5-7 days production time for processing. If your order is urgent send us a note to see if we can rush your order. In many cases we can accomodate these special requests.

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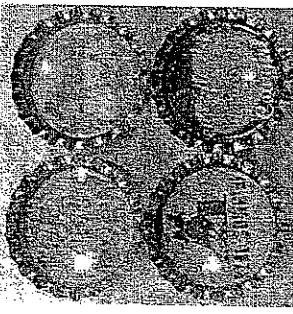
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Page 6 of 6



I Love Horses Bottle Cap Magnet
Collection 2
\$6.50

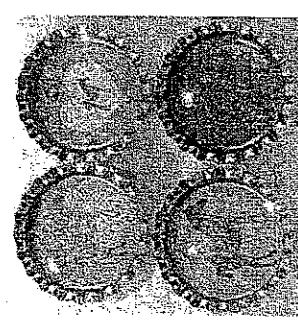


Cowgirl Up Bottle Cap Magnet
Collection 2
\$6.50

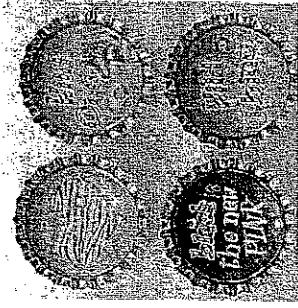


Cowgirl Up Bottle Cap Magnet
Collection 2
\$6.50

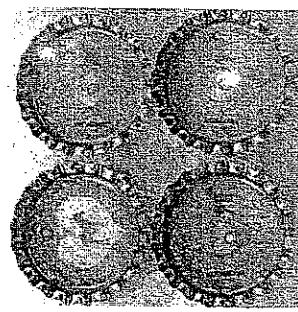
INFORMATION
Precious Memories Size Guide
Gift Registry
Web Site Links
Affiliate Sign In / Sign Up



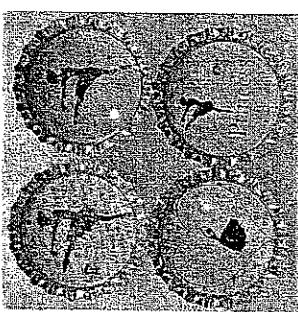
I Love Horses Bottle Cap Magnet
Collection 2
\$6.50



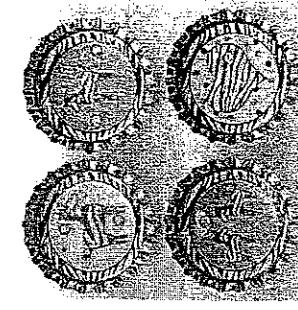
Wild One Zebra Themed Bottle Cap
Magnet Collection 2
\$6.50



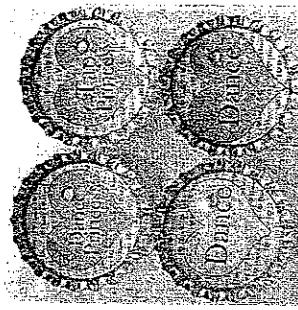
I Love Horses Bottle Cap Magnet
Collection 3
\$6.50



All Dance Themed Bottle Cap Magnets
Collection 2
\$6.50



Wild One Zebra Themed Bottle Cap
Magnet Collection 3
\$6.50



All Dance Themed Bottle Cap Magnets
Collection 3
\$6.50



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Resources
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<< < 1 | 2 | 3 | 4 | 5 | 6

Page 6 of 6

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Boutique Stores nationwide have been offering high quality, handmade Purple Mountain products to their customers for years. Now you can shop for Purple

EXHIBIT 1C



Welcome to Purple Mountain!

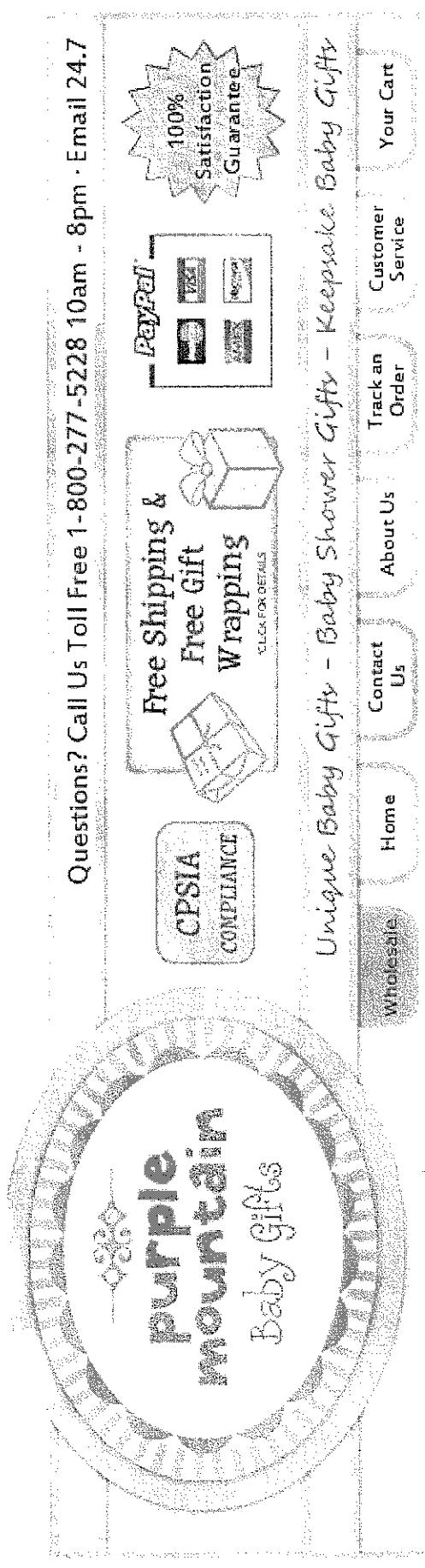


We are a manufacturer of fine quality **baby knits**, hand knit sweater sets, pima cotton **baby gift sets**, leather soft sole **baby shoes**, unique **baby blankets**, unique back zip hooded baby **sweaters**, pima cotton footies, unique baby converters, baby outfits, baby dresses, sizes **preemie** and up. We supply specialty children's boutiques and mail order catalogs with unique baby gift items of luxury and classic style at reasonable prices.

Many of you have asked us to "please open a retail store online" and we did. Please visit us at **Purple Mountain Baby** for **all of your baby shower and baby gift needs**.

Please fill out the **Contact Us** form if you are interested in **wholesale baby boutique clothing** or **wholesale baby shoes**. If you would like help finding a retailer in your area you can use the **contact form**. We personally answer your questions daily.

Questions? Call Us Toll Free 1-800-277-5228 10am - 8pm • Email 24.7



Purple Mountain Bottle Cap Magnets

PRODUCTS
[Baby Layette Gift Sets](#)
[Soft Sole Leather Baby Shoes](#)
[Cotton Baby Knits](#)
[Handknit Sweater Sets](#)
[Baby Boy Gifts](#)
[Baby Girl Gifts](#)
[It's a Surprise Gifts](#)

[SEARCH CATALOG](#)

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Sorry, but there are no products matching this criteria. Please try again.

Keyword(s):

All Words Any Word Exact Phrase

Category: [All Categories](#)

Price Range: [All Prices](#)

INFORMATION

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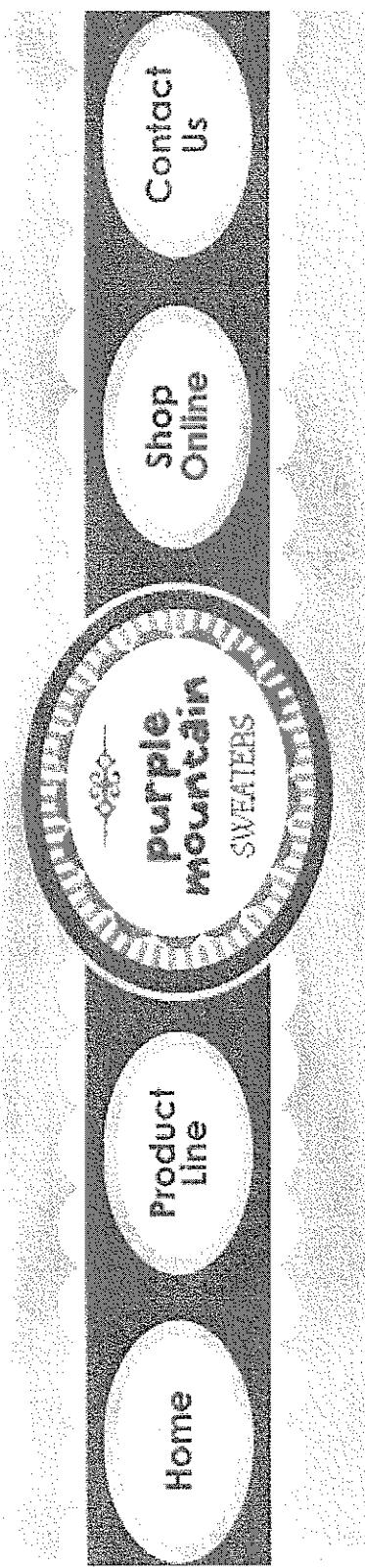


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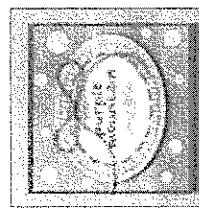


[Product Line](#) > [Information](#)

To browse through our products, click on the category from our list to view all items in that category. You may also use our search tool to find a product with one or more keywords.



[Handmade Cotton Baby Knits](#)



[Hand Knitted Sweaters](#)



[Leather Baby Shoes](#)



[Luxury Pima Cotton Layette Gift Sets](#)

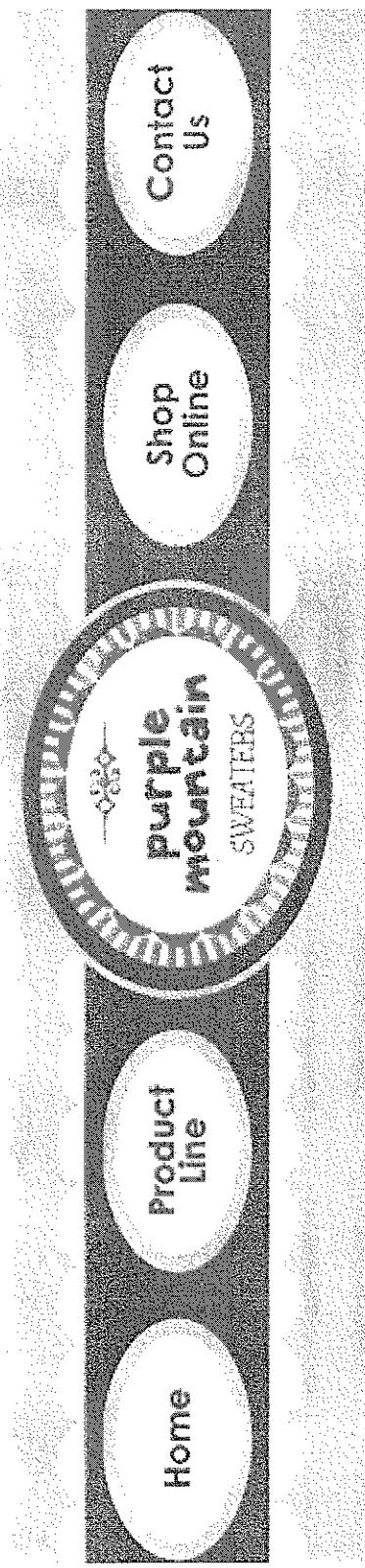


[Bottle Cap Magnets](#)

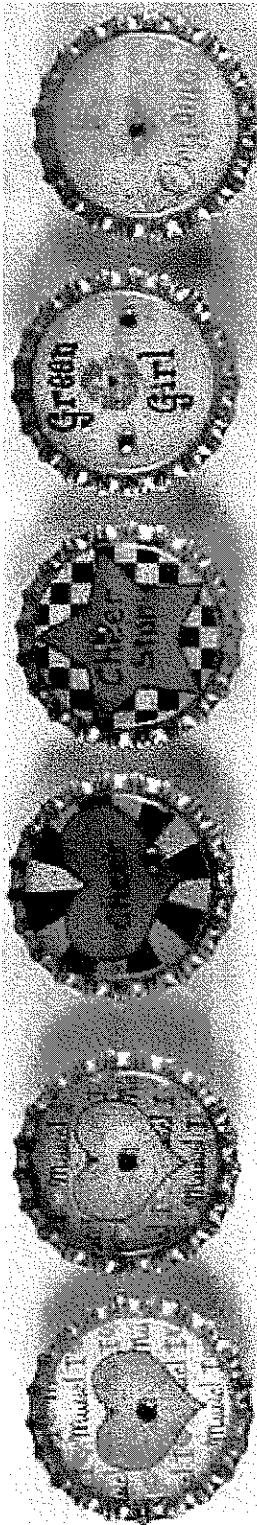
Keyword(s):

All Words Any Word Exact Phrase

Category: All Categories



[Product Line](#) > [Bottle Cap Magnets](#)



Orders ship within 2-3 business days!
Please send me wholesale order forms for
Purple Mountain Ice Caps and Accessories.
Scroll down to see catalog of photos.

Name	<input type="text"/>
Email	<input type="text"/>
Store Name	<input type="text"/>
Store Address	<input type="text"/>

Order forms will

arrive within moments (in an email) to the email address provided.
If you have any trouble downloading the order forms please call us during

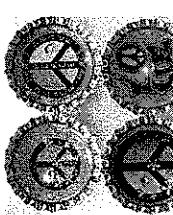
normal business hours and we can fax them over to you. (1-800-277-5228)
Wholesale ordering is available to resellers only. A tax id or resale

certificate is required.

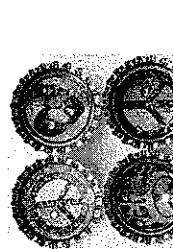
Minimum order - only \$100

Click on photos below to see details.

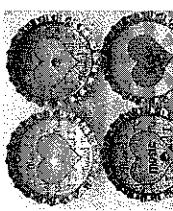
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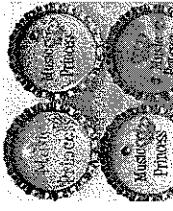
**1 A - PEACE BABY
Bottle Cap Magnet**



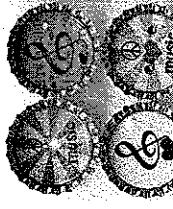
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Bottle Cap Magnet**



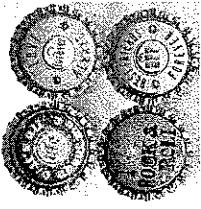
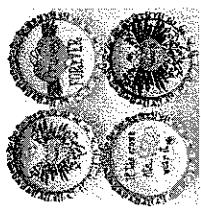
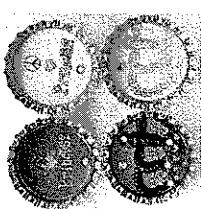
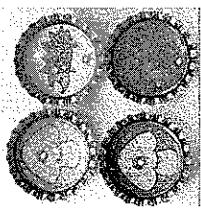
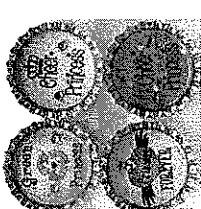
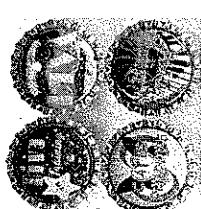
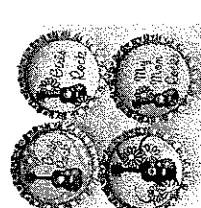
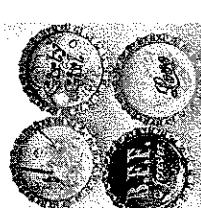
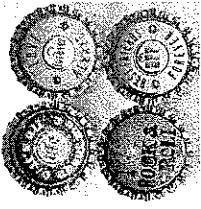
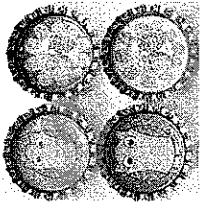
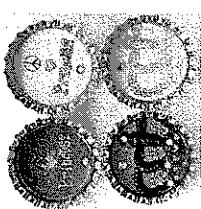
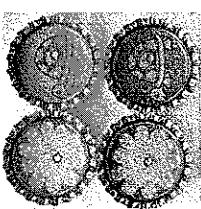
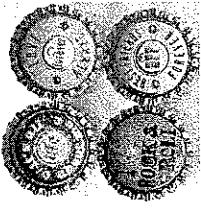
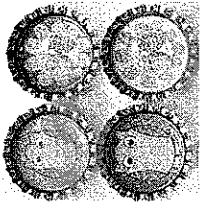
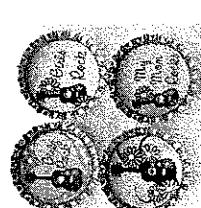
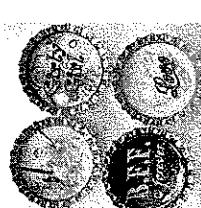
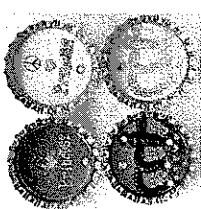
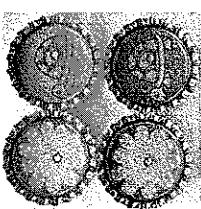
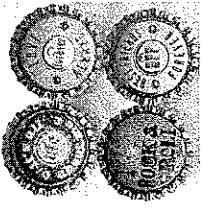
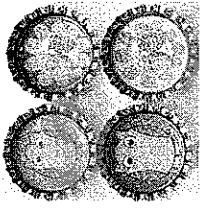
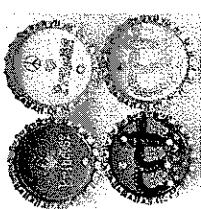
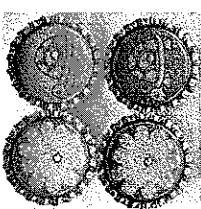
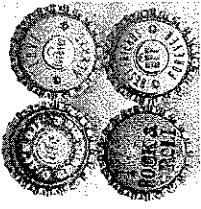
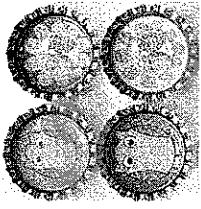
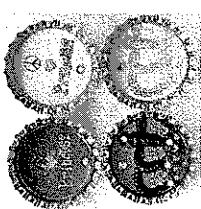
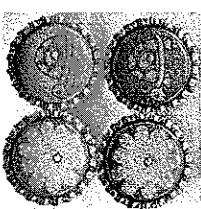
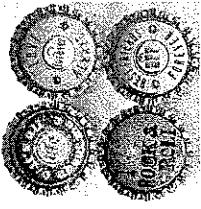
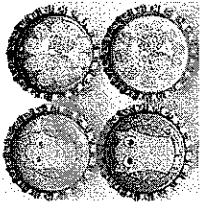
**2A - ALL MUSIC Baby
Bottle Cap Magnet**



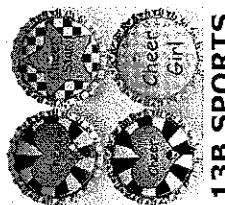
**2B - ALL MUSIC Baby
Bottle Cap Magnet**



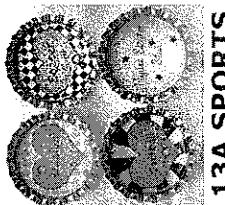
**2C - ALL MUSIC Baby
Bottle Cap Magnet**

	2D ALL MUSIC Bottle Cap Magnets		
	3A - ALL PRINCESS		
	3B - ALL PRINCESS		3C - ALL PRINCESS
	4B ROCK ON		4C ROCK ON
	5D New Hoots Bottle Cap Necklace Magnets		5E New Hoots Bottle Cap Necklace Magnets
	6A COWGIRL UP		6B COWGIRL UP
	7A I LOVE HORSES		7B I LOVE HORSES
	8A WILD ONE ZEBRA		8B WILD ONE ZEBRA
	9A ALL DANCE		9B ALL DANCE
	10A STAR ME		10B STAR ME
	5C HOOTS & FRIENDS		5B HOOTS & FRIENDS
	6C COWGIRL UP		6B WILD ONE ZEBRA
	7C I LOVE HORSES		8A WILD ONE ZEBRA
	9C ALL DANCE		10A STAR ME
	10B STAR ME		5C HOOTS & FRIENDS

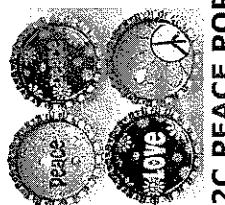
10C STAR ME 11A ALL GYMNASTICS 11B ALL GYMNASTICS 11C ALL GYMNASTICS



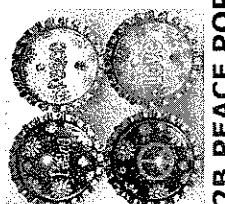
11D STAR ME



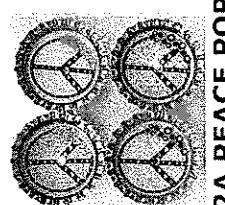
11A ALL GYMNASTICS



11B ALL GYMNASTICS



11C ALL GYMNASTICS



12A PEACE POP

12B PEACE POP

13A SPORTS

12C PEACE POP

13B SPORTS

13C SPORTS

13D Ice Skaters

13E Ice Skaters

13J Ice Skates

Rainbow Bottle Cap

Rainbow Pastel Bottle

Bottle Magnets

Cap Magnets

Cap Magnets

Cap Magnets

14A TWEEN SAYINGS

14B TWEEN SAYINGS

14C TWEEN SAYINGS

15A FUNKY FUN

15B FUNKY FUN

15J FUNKY FUN

16A ORGANIC GIRL

16B ORGANIC GIRL

16C ORGANIC GIRL

Cup Magnets

Cup Magnets

Cup Magnets

17A GO GREEN

17B GO GREEN

17C GO GREEN

18A CUPCAKE CUTIE

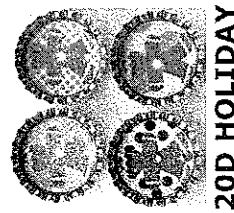
18B CUPCAKE CUTIE

18C CUPCAKE CUTIE

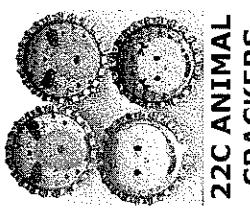
19A FUNKY MONKEY

19B FUNKY MONKEY

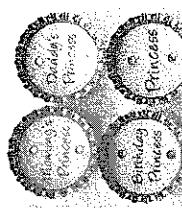
19C FUNKY MONKEY



20D HOLIDAY

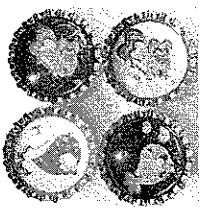


20C HOLIDAY

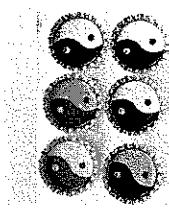


22C ANIMAL CRACKERS

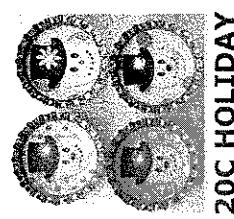
24B POLKA DOT SAYINGS



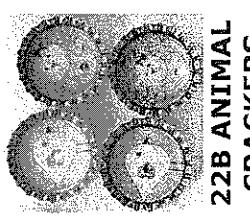
26A TOO CUTE



28A YIN YANG

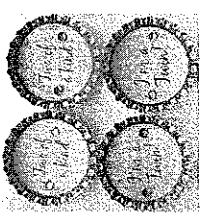


20B HOLIDAY

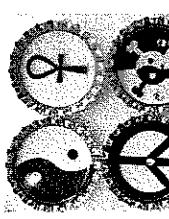


22B ANIMAL CRACKERS

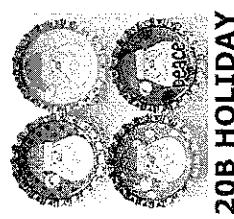
24A POLKA DOT SAYINGS



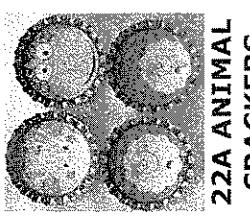
25C TWINS



27A BLACK & WHITE

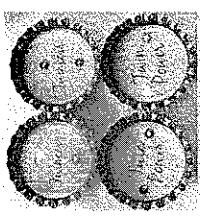


20A HOLIDAY

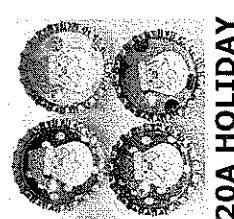
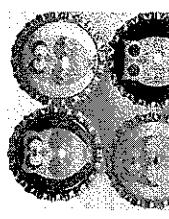


22A ANIMAL CRACKERS

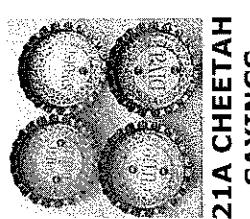
23C PRINCESS ON PINK



26D TOO CUTE



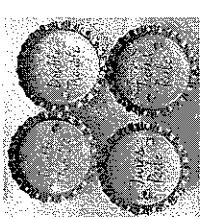
19C FUNKY MONKEY



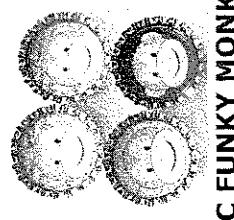
21A CHEETAH SAYINGS



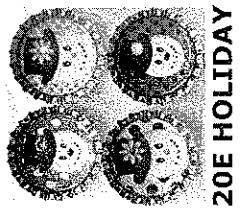
23B PRINCESS ON PINK



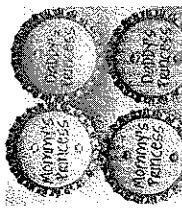
26B TOO CUTE



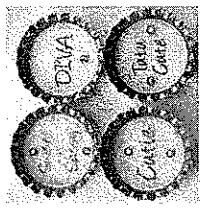
20E HOLIDAY



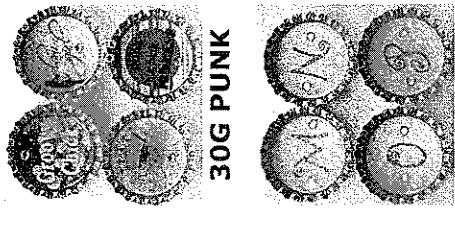
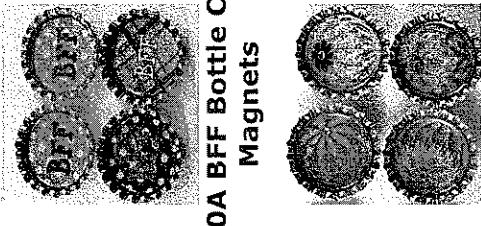
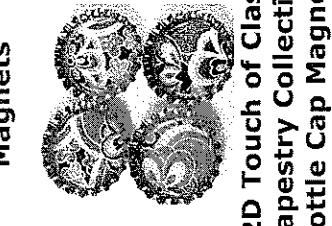
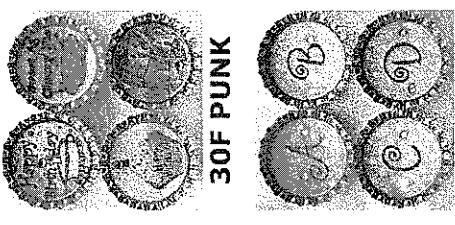
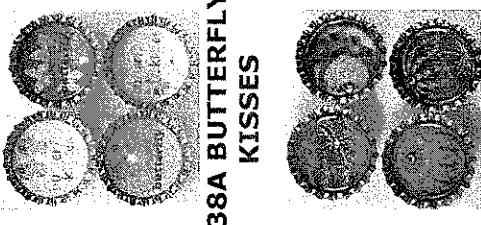
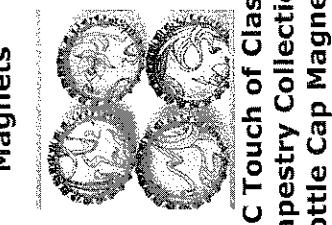
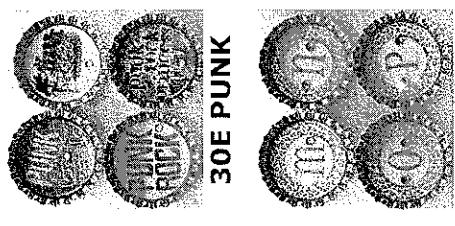
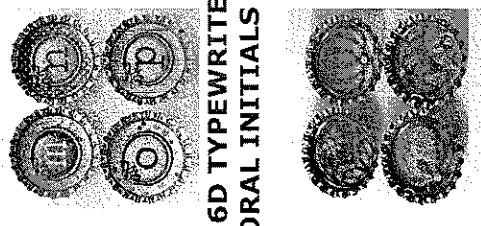
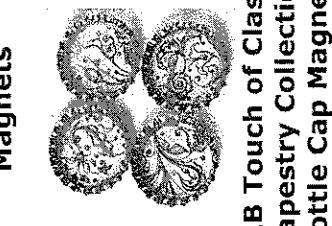
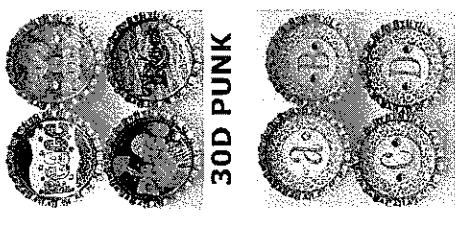
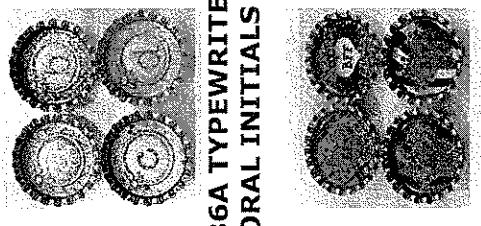
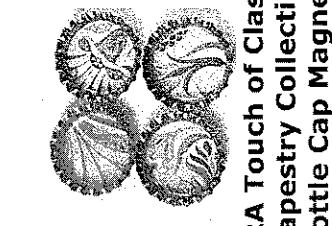
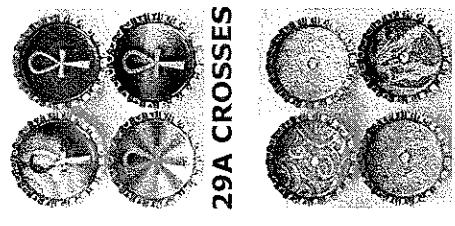
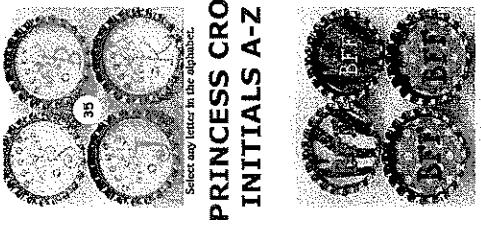
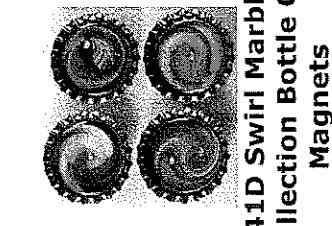
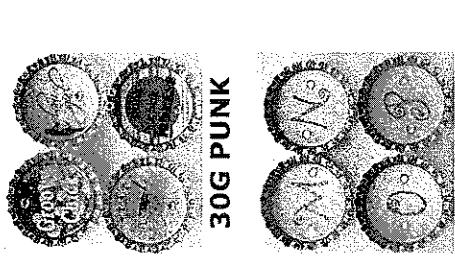
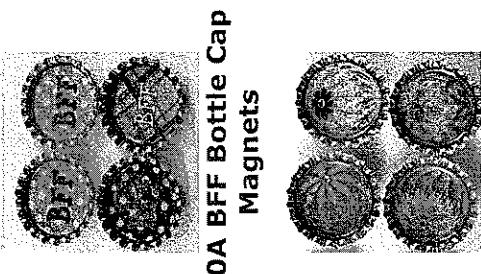
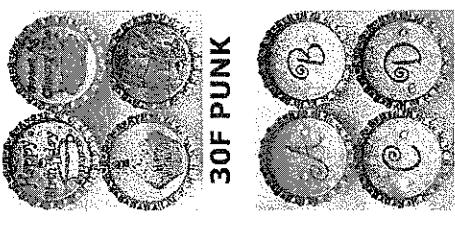
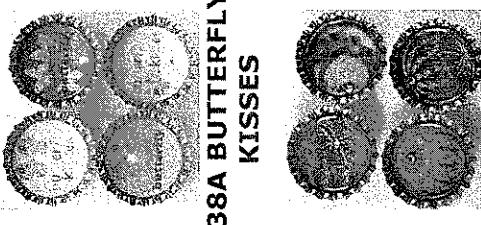
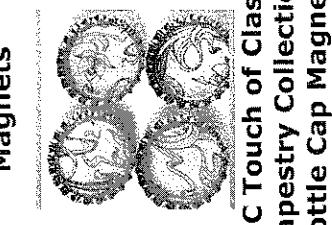
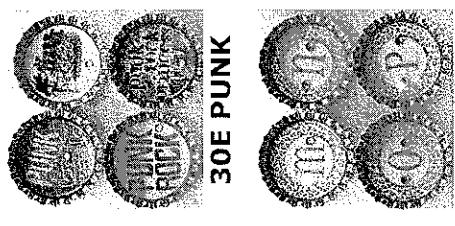
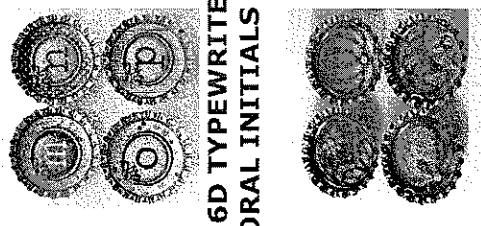
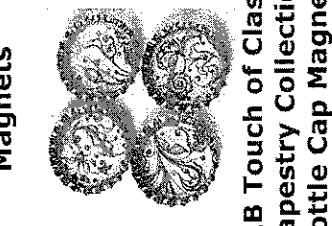
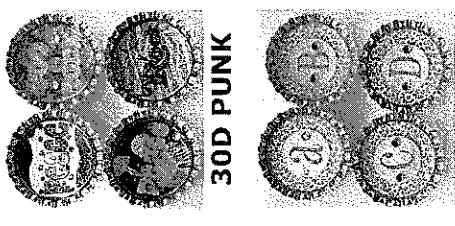
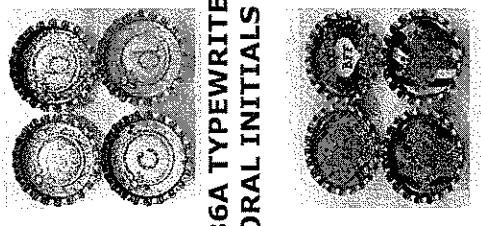
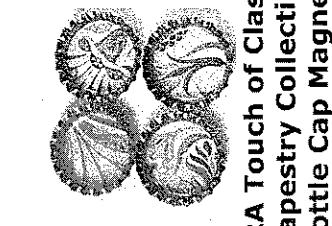
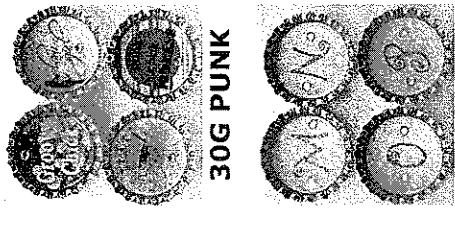
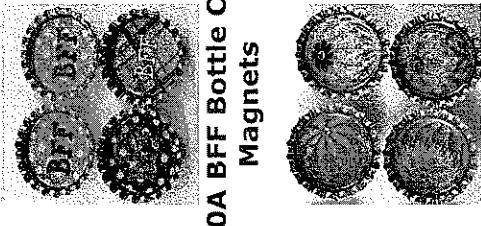
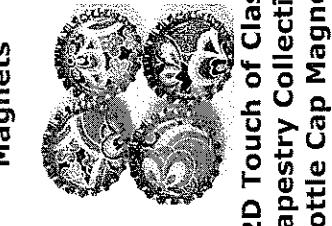
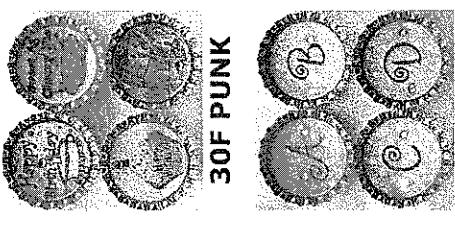
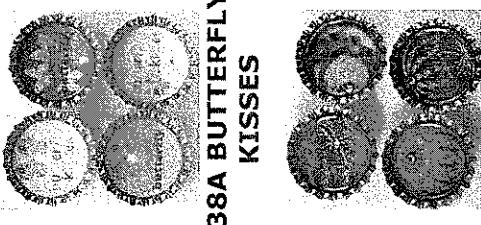
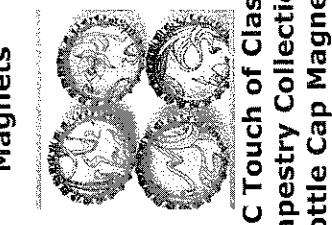
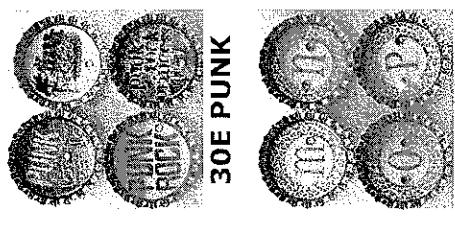
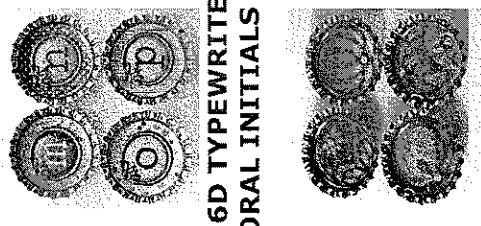
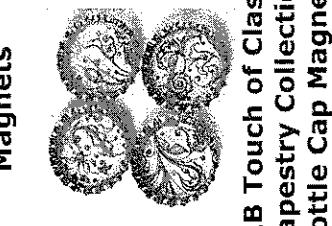
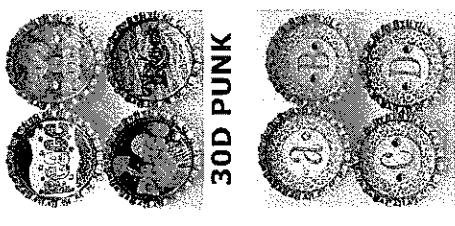
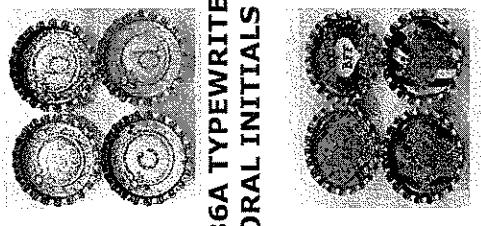
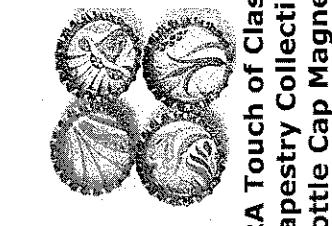
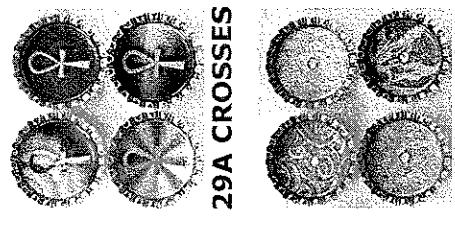
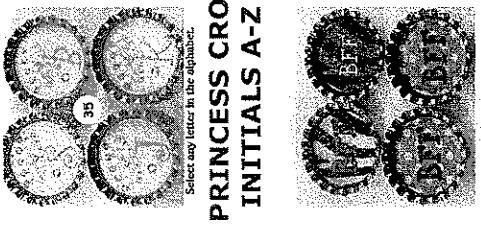
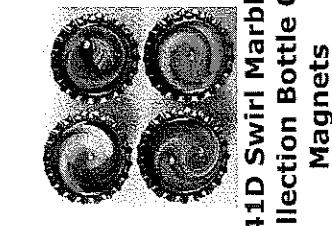
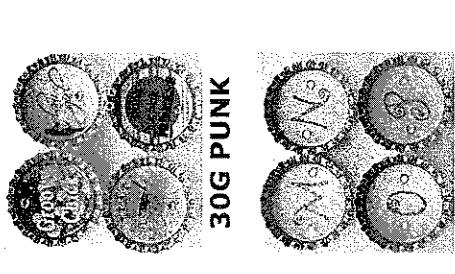
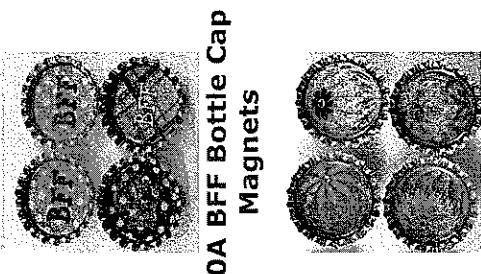
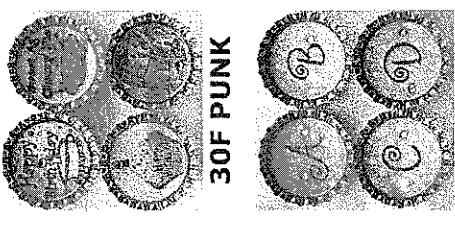
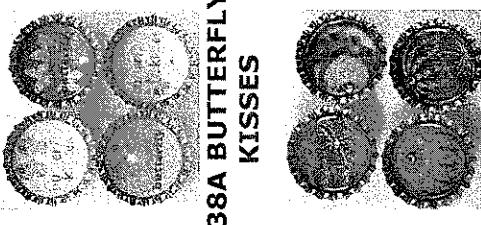
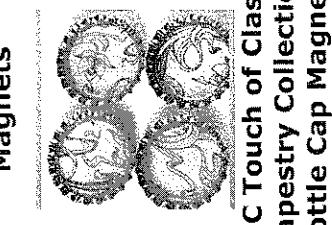
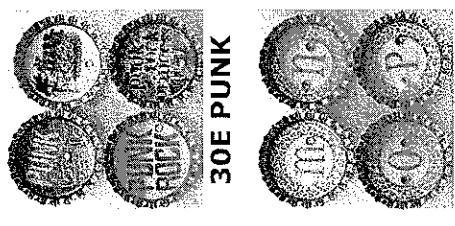
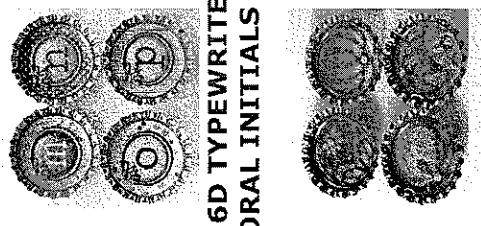
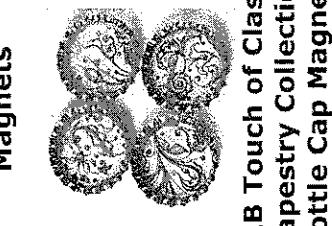
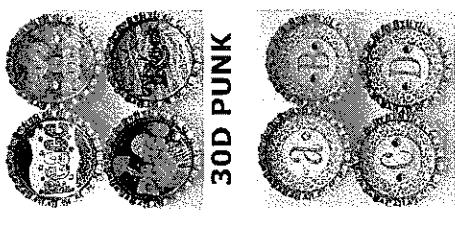
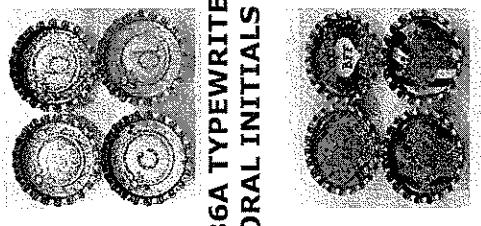
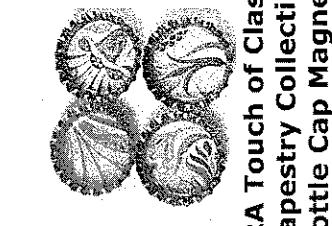
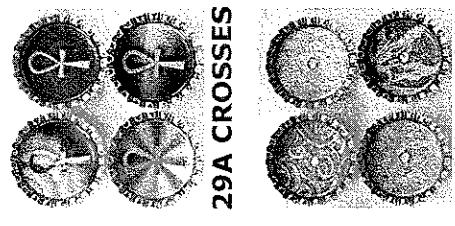
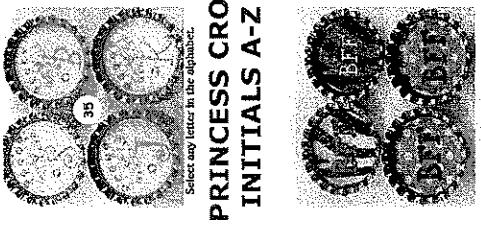
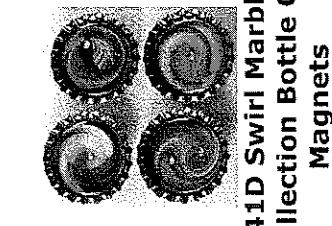
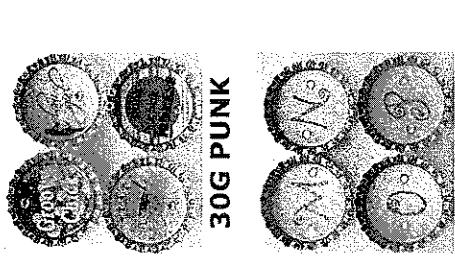
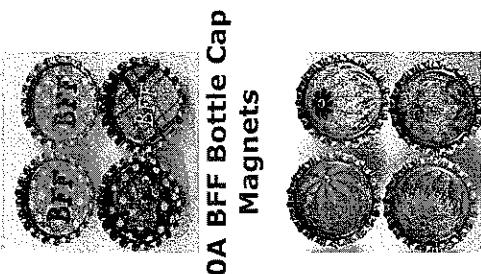
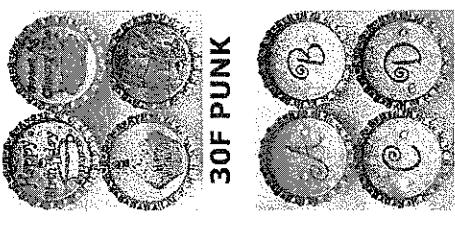
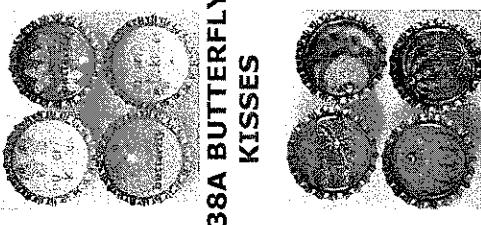
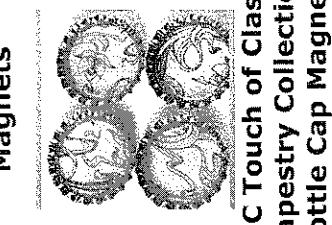
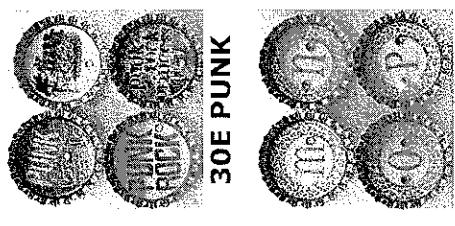
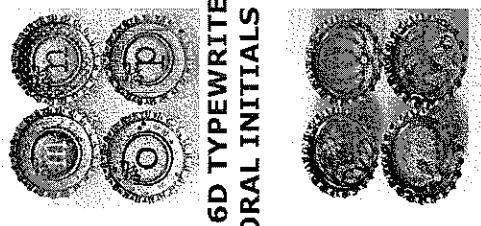
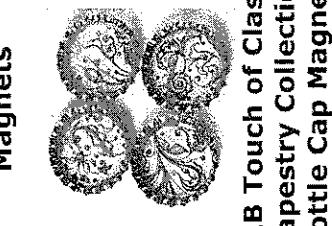
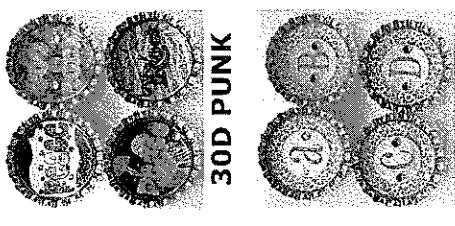
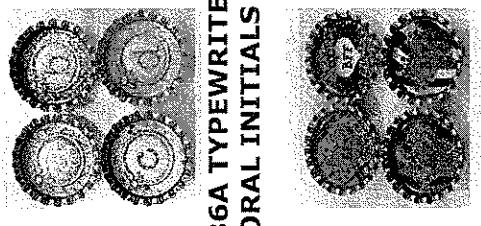
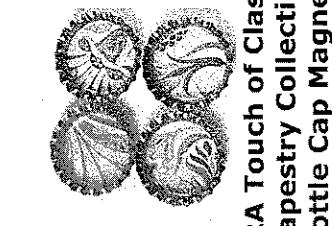
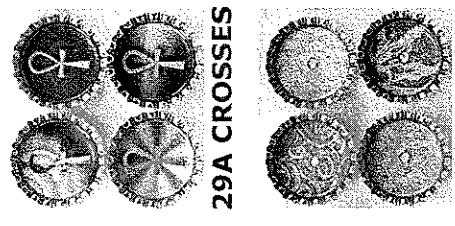
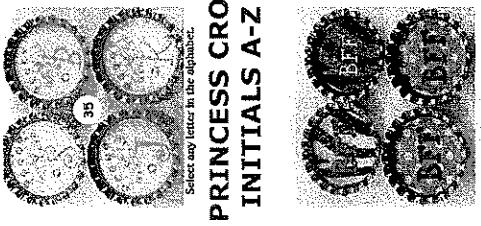
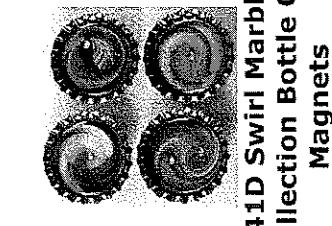
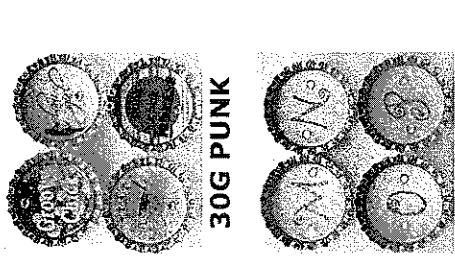
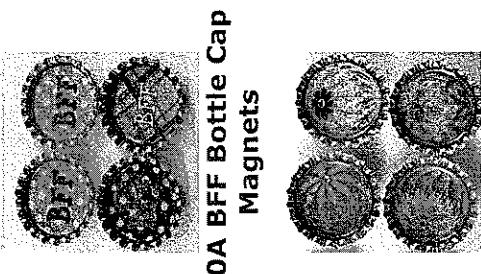
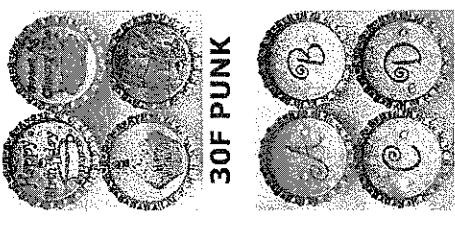
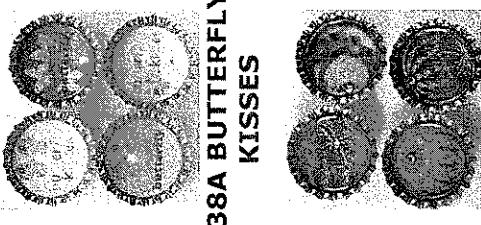
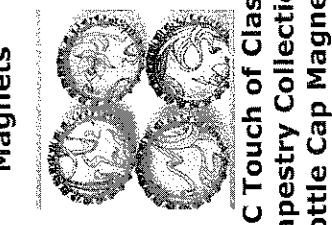
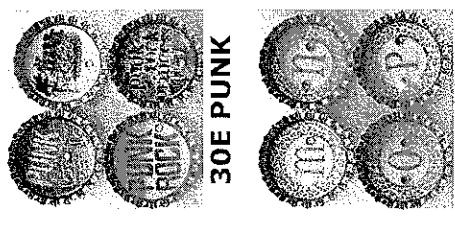
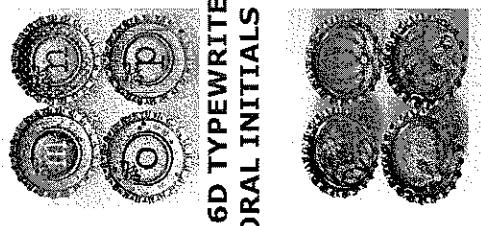
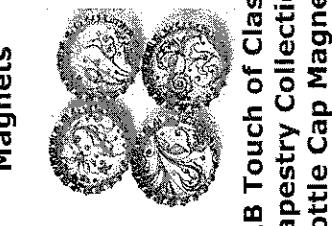
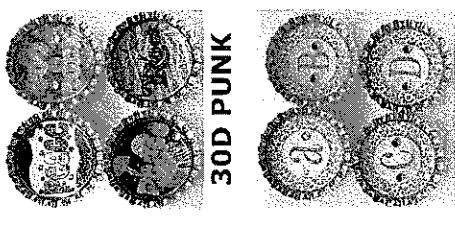
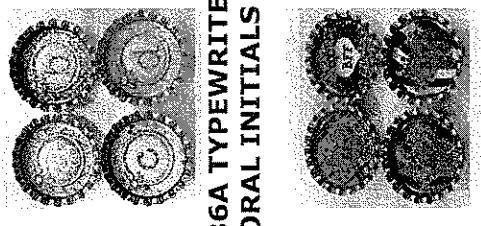
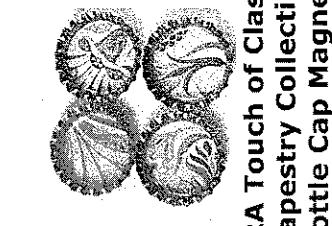
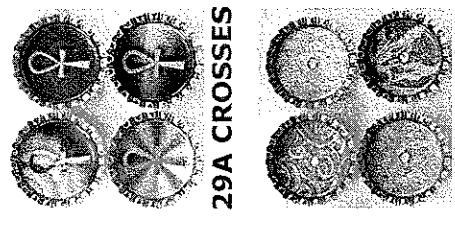
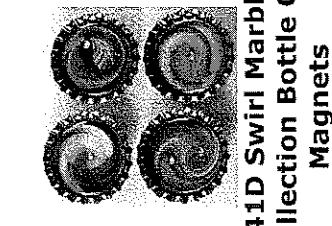
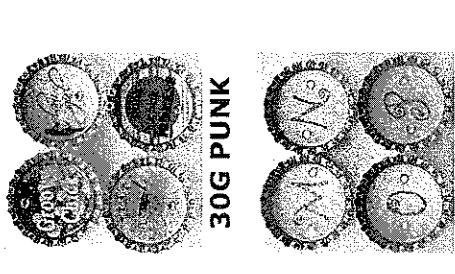
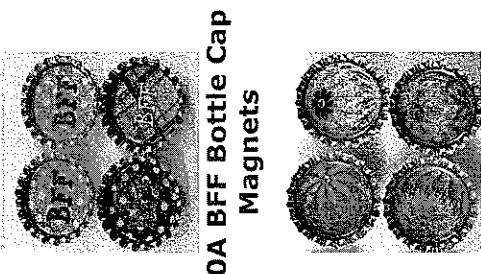
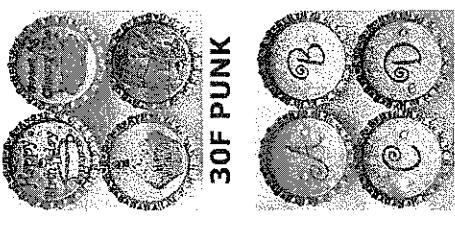
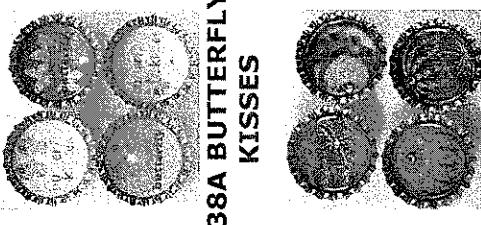
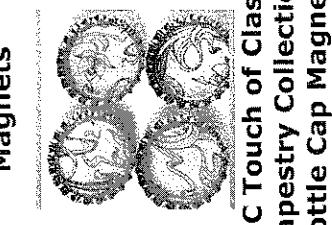
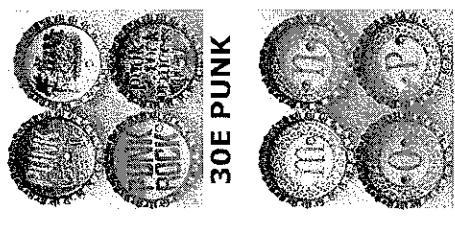
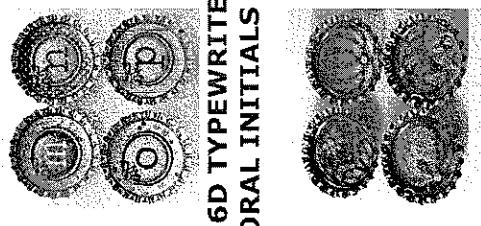
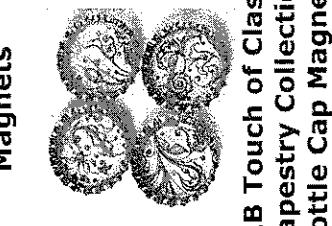
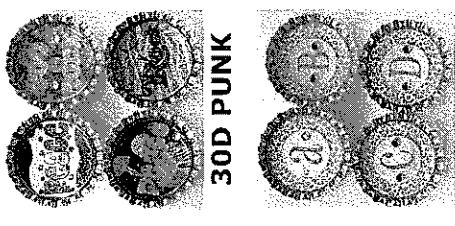
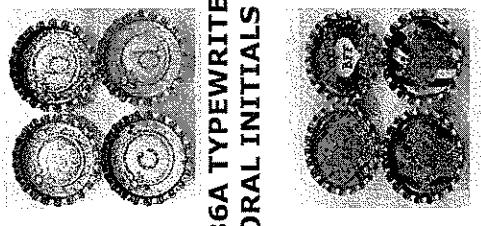
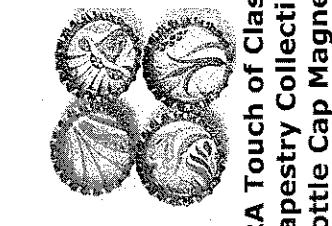
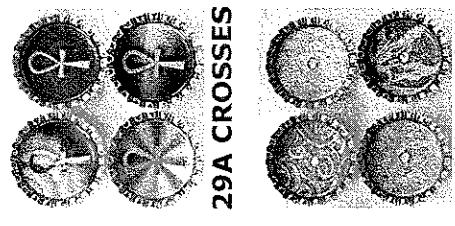
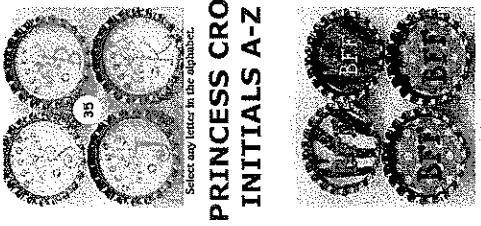
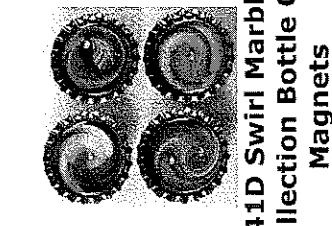
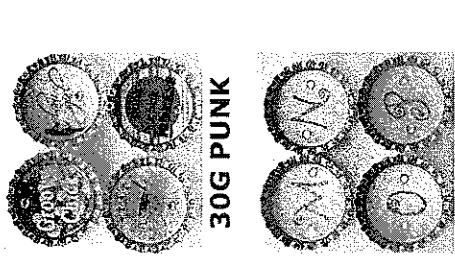
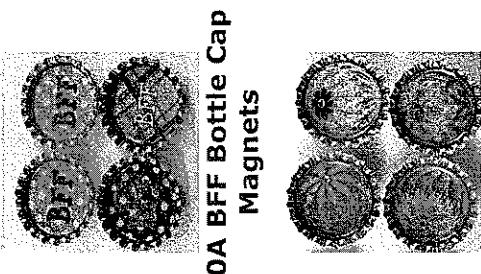
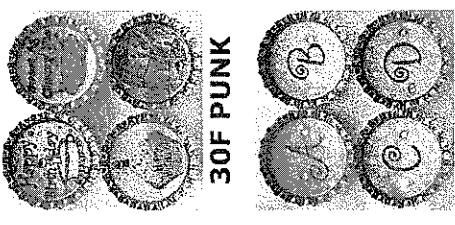
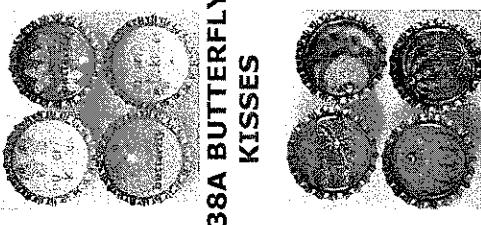
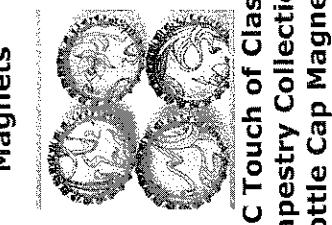
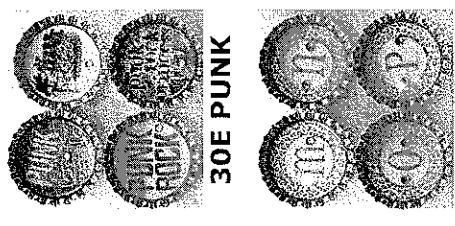
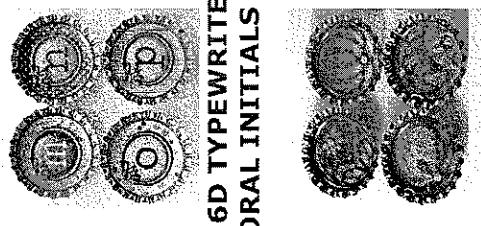
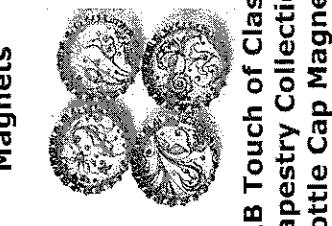
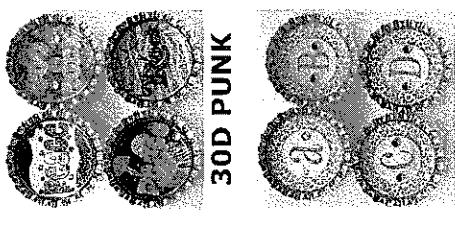
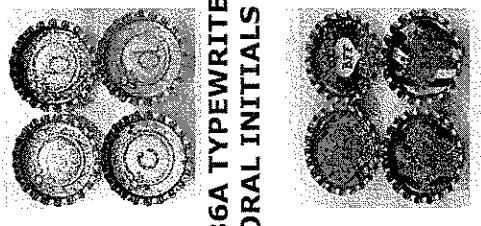
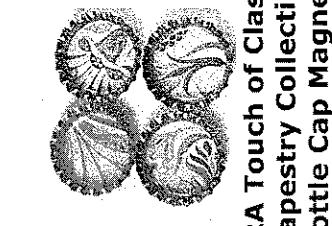
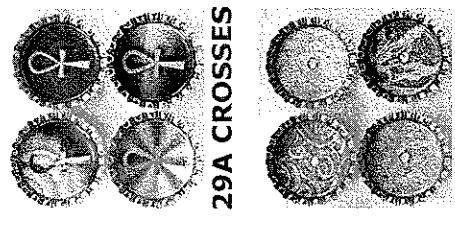
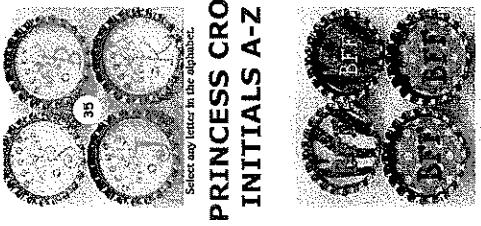
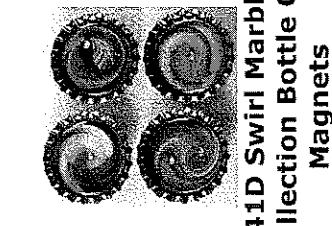
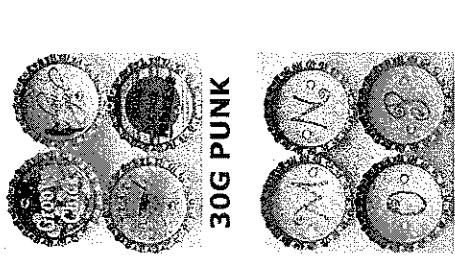
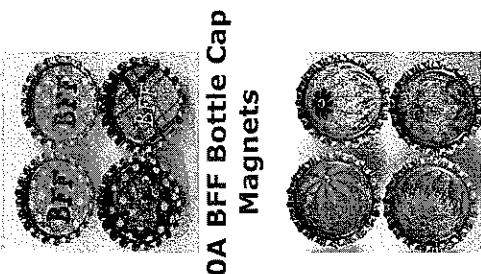
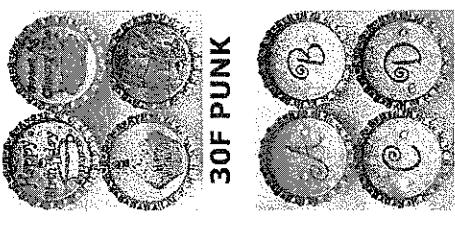
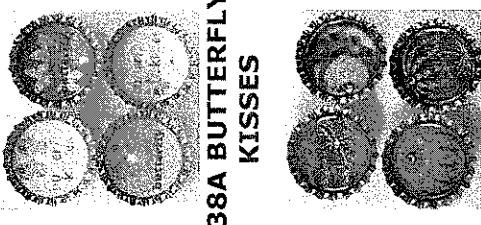
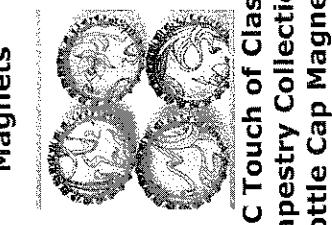
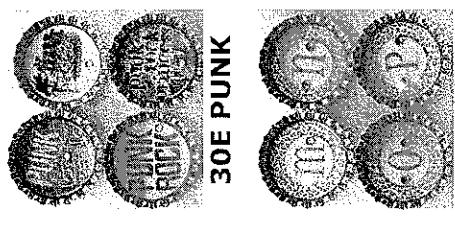
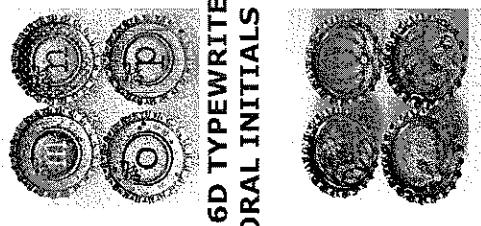
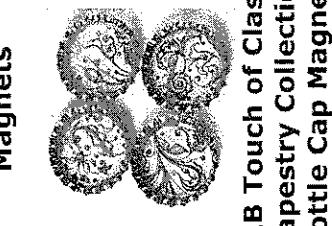
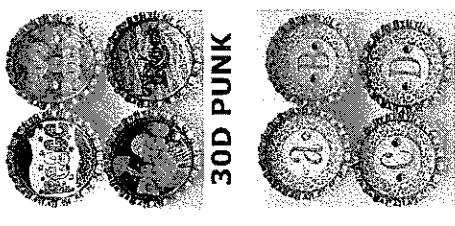
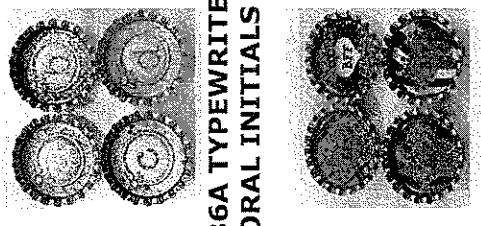
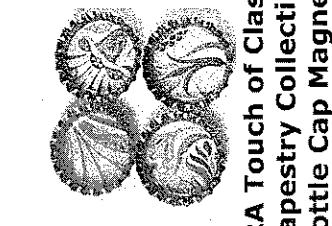
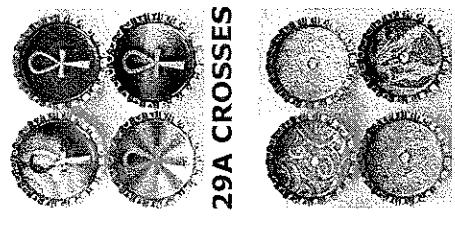
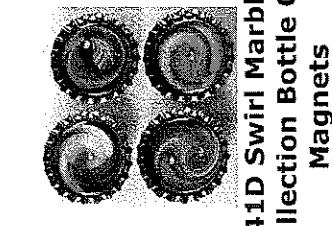
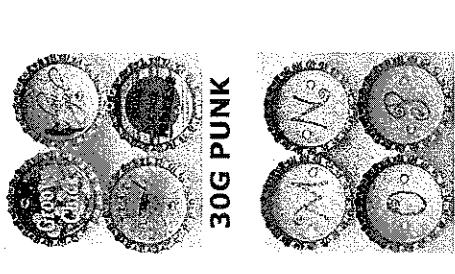
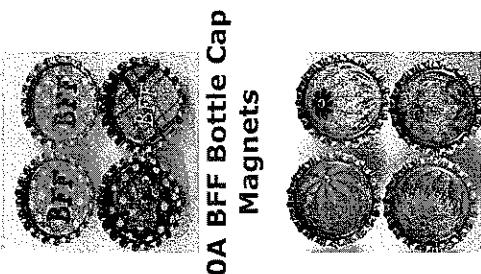
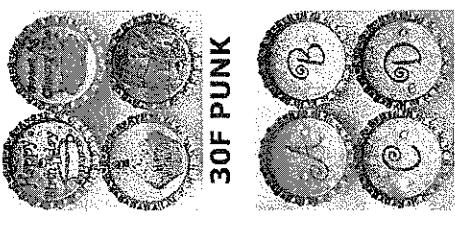
23A PRINCESS ON PINK

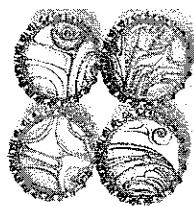


24C POLKA DOT SAYINGS

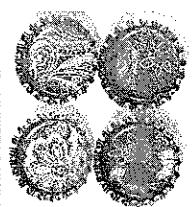


26B TOO CUTE

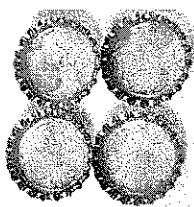
		
		
		
		
		
29A CROSSES	30H PUNK	30P CROSSES
		
35 PRINCESS CROWN	36A TYPEWRITER	36D TYPEWRITER
		
INITIALS A-Z	FLORAL INITIALS A-Z	FLORAL INITIALS A-Z
		
INITIALS A-Z	INITIALS A-Z	INITIALS A-Z
		
INITIALS A-Z	INITIALS A-Z	INITIALS A-Z
		
30G PUNK	30F PUNK	30D PUNK
		
30G PUNK	30F PUNK	30D PUNK
		
30G PUNK	30F PUNK	30D PUNK
		
30G PUNK	30F PUNK	30D PUNK
		
30G PUNK	30F PUNK	30D PUNK
		
30G PUNK	30F PUNK	30D PUNK
		
30G PUNK	30F PUNK	30D PUNK
		
30G PUNK	30F PUNK	30D PUNK
		
30G PUNK	30F PUNK	30D PUNK
		
30G PUNK	30F PUNK	30D PUNK
		
30G PUNK	30F PUNK	30D PUNK
		
30G PUNK	30F PUNK	30D PUNK
		
30G PUNK	30F PUNK	30D PUNK
		
30G PUNK	30F PUNK	30D PUNK
		
30G PUNK	30F PUNK	30D PUNK
		
30G PUNK	30F PUNK	30D PUNK
		
30G PUNK	30F PUNK	30D PUNK
		
30G PUNK	30F PUNK	30D PUNK
		
30G PUNK	30F PUNK	30D PUNK
		
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30G PUNK	30F PUNK	30D PUNK
		
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30G PUNK	30F PUNK	30D PUNK
		
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30G PUNK	30F PUNK	30D PUNK
		
30G PUNK	30F PUNK	30D PUNK
		
30G PUNK	30F PUNK	30D PUNK
		
30G PUNK	30F PUNK	30D PUNK
		
30G PUNK	30F PUNK	30D PUNK
		
30G PUNK	30F PUNK	30D PUNK
	<img alt="Bottle cap magnets with a 'PUNK' theme featuring various designs like '30G	



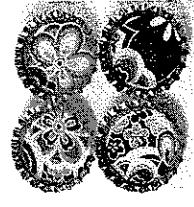
42E Touch of Class - Tapestry Collection Bottle Cap Magnets



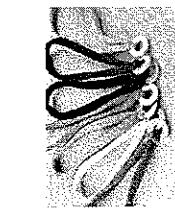
42F Touch of Class - Tapestry Collection Bottle Cap Magnets



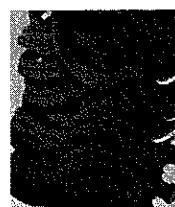
42G Touch of Class - Tapestry Collection Bottle Cap Magnets



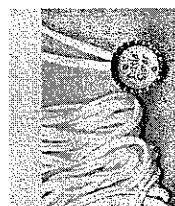
42I Touch of Class - Tapestry Collection Bottle Cap Magnets



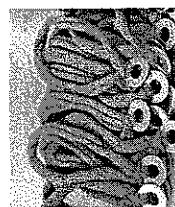
C1 Colors Lime (not shown), Turquoise, Royal Blue, Purple, Lt Blue Elastic Cords



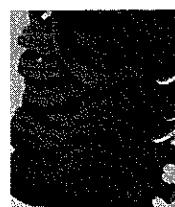
C1 Elastic Cord - Brown



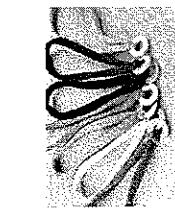
42H Touch of Class - Tapestry Collection Bottle Cap Magnets



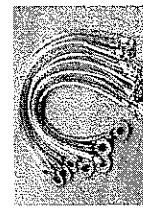
C1 Elastic Cord - Hot Pink



C1 Elastic Cord - Black



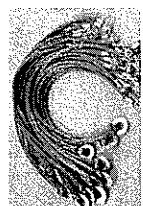
42I Touch of Class - Tapestry Collection Bottle Cap Magnets



C2 Dark Rainbow Satin Cord with Zen Disc



C2-A Satin Cords - Value Pack



C1 Elastic Cord - Light Pink



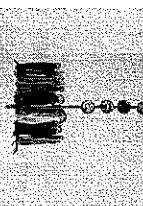
C2 Elastic Cord - Hot Pink



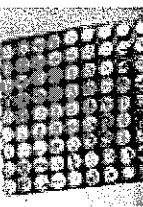
C2 Elastic Cord - Hot Pink



C2 Rainbow Sherbet Pastel Satin Cords with Zen Disc



C2 Purple or Turquoise Satin Cords with Zen Disc



C2 Pink or Brown Satin Cords with Zen Disc



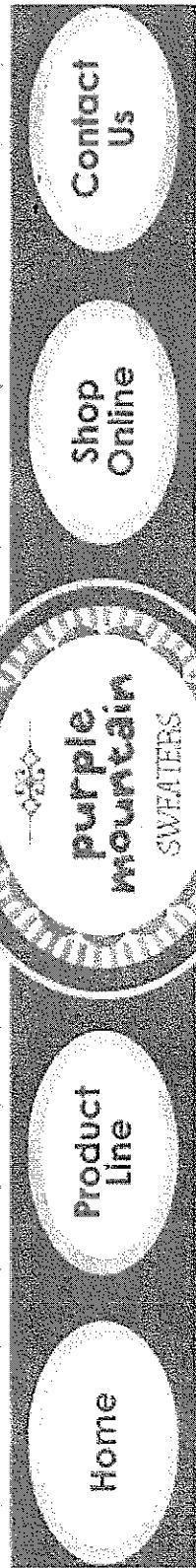
C2 Pink or Hot Pink Satin Cords with Zen Disc



C2 Red or Black Satin Cords with Zen Disc

PPE - Prepack Easel Display

Spinner Rack - Free with 8 dozen



We can be reached by Fax at 1-800-639-6198.

Business Hours are 10:00 am-5:00 pm EST - We can be reached by Phone at 1-800-277-5228. Message Service is available.

For quickest results, please fill in the form and we will be in contact with you promptly and personally. We answer emails in the evening and throughout the day.

Thank you for your interest in **Purple Mountain Cotton Baby Knits, Purple Mountain Handknit Sweaters, Mittens, and Hats, Precious Memories Pima Cotton Layette and Shoo la roo Soft Sole Leather Baby Shoes.**

Name: _____

Email: _____

Comments: _____

EXHIBIT 2

UNITED STATES DISTRICT COURT
for the
Northern District of Texas

M3 Girl Designs, LLC

)

Plaintiff

)

v.

)

Purple Mountain Sweaters
and Carol-Ann Bishop

)

Defendant

)

Civil Action No.

3-09cv2334-G

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Ms. Carol-Ann Bishop
17716 Bridlewood Court
Parrish, FL 34219

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

D. Scott Hemingway
Hemingway & Hansen, LLP
Comerica Bank Tower, Suite 2500
1717 Main Street
Dallas, Texas 75201

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

DEC 08 2009

Date: _____

Rod Reynolds

Signature of Clerk or Deputy Clerk

Civil Action No. *6*

ORIGINAL

PROOF OF SERVICE

3-09CV2334-G

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for (name of individual and title, if any) Ms. CAROL- ANN BISHOP
was received by me on (date) 12/16/09 at 11:45AM.

I personally served the summons on the individual at (place) 17716 BRIDLEWOOD COURT
PARRISH, FLORIDA 34219 on (date) 12/16/09 at 5:53PM, or

I left the summons at the individual's residence or usual place of abode with (name) DELMAR
WILLIAMS, a person of suitable age and discretion who resides there,
on (date) 12/16/09, and mailed a copy to the individual's last known address; or CEM

I served the summons on (name of individual) WILLIAMS,
designated by law to accept service of process on behalf of (name of organization) CEM
on (date) 12/16/09; or 39

I returned the summons unexecuted because WILLIAMS

Other (specify):

My fees are \$ — for travel and \$ 35 for services, for a total of \$ 35.00

I declare under penalty of perjury that this information is true.

Date: 12/16/2009

[Signature]
Server's signature

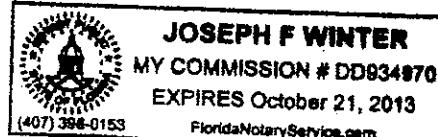
WARREN J. CUTTER CPS # 0287

Printed name and title

583 BAYSHORE DRIVE, ELLENTON, FLORIDA 34222

Server's address

Additional information regarding attempted service, etc:



*Affiant is personally
known to me.
Joseph F. Winter*

EXHIBIT 3

UNITED STATES DISTRICT COURT

for the

Northern District of Texas

M3 Girl Designs, LLC

Plaintiff

v.

Purple Mountain Sweaters
and Carol-Ann Bishop

Defendant

) Civil Action No.

3-09cv2334-G

SUMMONS IN A CIVIL ACTION

To: (*Defendant's name and address*) Purple Mountain Sweaters
17716 Bridlewood Court
Parrish, FL 34219

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

D. Scott Hemingway
Hemingway & Hansen, LLP
Comerica Bank Tower, Suite 2500
1717 Main Street
Dallas, Texas 75201

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Rod Reynolds

Date: DEC 08 2009

Signature of Clerk or Deputy Clerk

Civil Action No.

3-09CV2334-G

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (1))

This summons for *(name of individual and title, if any)*

PURPLE MOUNTAIN SWEATERS

was received by me on (date) 12/16/2009 211:45 AM

I personally served the summons on the individual at (place) 17716 BRIDGEWOOD COURT
PARRISH, FLORIDA 34219 on (date) 12/16/09 25:53PM; or

I left the summons at the individual's residence or usual place of abode with (name) _____, a person of suitable age and discretion who resides there, on (date) _____, and mailed a copy to the individual's last known address; or

I served the summons on (name of individual) _____, who is designated by law to accept service of process on behalf of (name of organization) _____ on (date) _____; or

I returned the summons unexecuted because _____; or

Other (specify): _____

My fees are \$ for travel and \$ 35 for services, for a total of \$ 35.00

I declare under penalty of perjury that this information is true.

Date: 12/16/2009

Server's signature

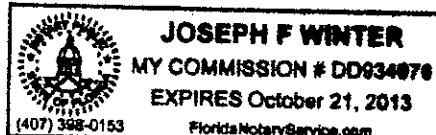
WARREN J. CUTTER CPS# 0287

Printed name and title

583 BAYSHORE DRIVE. ELLENTON, FLORIDA 3422

Server's address

Additional information regarding attempted service, etc.:



Affiant is personally
known to me.
Joseph F. Wirth

EXHIBIT 4

LAW OFFICES OF
CHARLES J. PRESCOTT, P.A.
A PROFESSIONAL ASSOCIATION

SUITE 115
2033 WOOD STREET
SARASOTA, FLORIDA 34237
(941) 957-4208
FAX (941) 957-4210
e-mail: cj.prescott@verizon.net
website: www.patentsprescott.com



PATENTS • TRADEMARKS
COPYRIGHTS & RELATED
MATTERS

October 14, 2009

*D. Scott Hemingway, Esquire
Hemingway & Hansen
Comerica Bank Tower - Suite 2500
1717 Main Street
Dallas, TX 75201*

Re: *M3Girl Designs
Purple Mountain Ice Caps*

Dear Mr. Hemingway:

Your letter dated October 6, 2009 issued to Purple Mountain Baby on behalf of your client, M3Girl Designs, has been referred to my office for review and response.

In your letter, you have asserted, on behalf of your client, certain vague intellectual property rights which you accuse Purple Mountain of infringing. I will attempt to address your assertions separately as specifically as possible based upon the content of your letter.

Trademark SNAP CAPS®

Although no copy of a registered trademark for SNAP CAPS was included in your correspondence, nonetheless our office was able to obtain a copy of that registration No. 3,626,432. This registration indicates a first use of the mark SNAP CAPS as early as July 15, 2008, a filing date of October 9, 2008 and a registration date of May 26, 2009. Our client apparently inadvertently applied the descriptive phrase "Snappy Bottle Cap Necklaces" to a sub portion of its product website. However, immediately upon receipt of your letter, our client unilaterally removed access to that website sub part and has now completely removed any reference or inclusion of the term "snappy" to any of its products and in any form whatsoever.

I therefore believe that this issue is fully resolved.

October 13, 2009
Page 2

Copyright Infringement

You have also alleged infringement of certain registered and unregistered copyright rights associated with your client's bottle cap jewelry designs. However, as you have failed to include any identifying materials associated with either the copyright registrations or pending applications of your client, and have specifically failed to identify specific products of our client which might allegedly constitute copyright infringement, I am unable to evaluate the authenticity of this claim. Should you wish to submit further specific registration and identification material and identify specific products of our client which might allegedly constitute copyright infringement, I will very promptly address such specific issues at that time.

However, as a general notion, because copyright only protects the embodiment of an idea, rather than an idea itself, upon my perusal of both of our respective clients' product lines, the presence of copyright infringing materials or artwork by one or more products being offered by our client does not immediately manifest itself based upon that brief comparison.

Patent and/or Design Infringement

Your letter also contains assertions of infringing design and patent pending rights of your client. However, no basis for that accusation has been included in your letter with any specificity. Specifically, no design or utility patents or pending applications owned by your client have been provided or referenced in your accusations.

Prior to receipt of your letter, our client had authorized a patentability search to be conducted by our office and directed to broad patentability of magnetized bottle caps. Although no patents or published applications of your client were located, only one U.S. Patent 6,857,755 issued to Lewis disclosing an illuminated magnetic clasp bottle cap with epoxy dome to be worn on clothing was located during that search. Moreover, several websites located in a separate common law portion of the search disclosing the sale and/or creation of bottle cap magnets and other decorative articles associated therewith were located. These common law prior art disclosures extend back to at least 2003 and clearly indicate broadly that decorative magnetized bottle caps in their various forms are old and well known in prior art and belong to the public domain.

However, if you would like to provide copies of patents and/or pending applications, whether published or unpublished, which might describe and claim decorative bottle cap jewelry of your client which could potentially be infringed now or in the future should one or more patents issue from such pending applications, I would be more than happy to review those applications and advise our client of any current or potential future issues of patent infringement should one or more of these applications materialize into an issued patent.

October 13, 2009
Page 3

Tortious Interference

I understand that your client, either directly or through one or more of its representatives or affiliates, is contacting potential and/or current customers and/or distributors of our client's products advising that our client's products are infringing the intellectual property rights of your client without providing sound basis for such accusations. As I have outlined above, unless specificity to these claims can be presented and substantiated, I am concerned that your client is therefore tortiously interfering with business relationships of our client without legal foundation or authority. I therefore request that your client carefully review and reconsider such potentially tortious acts until these accusations of intellectual property rights' infringement can be aired and resolved. Our client has every intention of honoring any and all valid intellectual property rights of others and has no intention of benefiting economically by usurping the valid rights of others. However, acts of disobedience of current tort law will not be tolerated.

Sincerely,



Charles J. Prescott

CJP:dma
cc: Purple Mountain Sweaters